



# Education (Scotland) Act 2016

## 2016 asp 8

### PART 2 **S**

#### GAELIC MEDIUM EDUCATION

##### *Assessments: primary education*

#### **9 Initial assessments **S****

- (1) This section applies where an education authority receives a request under section 7(1) from the parent of a specified child.
- (2) The authority must make an assessment (an “initial assessment”) of the need for GMPE—
  - (a) in relation to the GMPE assessment area designated under section 8(2), and
  - (b) in the specified child's year group.
- (3) In making an initial assessment, the authority must take into account any information it has which—
  - (a) relates to the demand for GMPE in the GMPE assessment area from parents of children—
    - (i) who are resident in the GMPE assessment area, and
    - (ii) who are in the same year group as the specified child, and
  - (b) indicates that there is a demand for GMPE in the GMPE assessment area from parents of children—
    - (i) who are resident in the GMPE assessment area, and
    - (ii) who are in a different year group in relation to the specified child.
- (4) The information mentioned in subsection (3) includes information set out in or accompanying the request.
- (5) Where, following an initial assessment in relation to a GMPE assessment area—
  - (a) the authority is satisfied that the condition in subsection (6) is met, the authority must determine that there is a potential need for GMPE in the area,
  - (b) the authority is not satisfied that that condition is met, the authority must determine that there is no potential need for GMPE in the area.

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**Changes to legislation:** Education (Scotland) Act 2016, Section 9 is up to date with all changes known to be in force on or before 03 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (6) The condition is that the specified child and the children in respect of whose parents the authority has information as mentioned in subsection (3)(a) number 5 or more.
- (7) The Scottish Ministers may by regulations—
- (a) amend subsection (6) so as to substitute for the number of children for the time being specified there a different number,
  - (b) provide for the number of children for the time being specified in that subsection to be read as a different number in the application of that subsection to such education authorities as may be specified in the regulations.
- (8) This section is subject to section 11.

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**Commencement Information**

**II** S. 9 in force at 1.2.2017 by S.S.I. 2016/386, reg. 2, sch.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.S.I.2017/164, sch. by [S.S.I. 2017/352 reg. 2](#)