

*These notes relate to the Education (Additional Support for Learning) (Scotland) Act (asp 7) which received Royal Assent on 25 June 2009 (asp 7) which received Royal Assent on 25 June 2009*

# **EDUCATION (ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) ACT (ASP 7) WHICH RECEIVED ROYAL ASSENT ON 25 JUNE 2009**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### ***Section 13: Provision of published information to certain persons***

46. Under section 26 of the 2004 Act, education authorities are under a duty to publish and keep up-to-date certain information. Section 13 requires education authorities to provide all parents of all children with additional support needs (and young persons with additional support needs), for whose school education the authority are responsible, with all the information authorities are required to publish under section 26.
47. **Section 13** inserts a new subsection (2A) in section 26 of the 2004 Act. Subsection (2A) (b)(ii) specifies that where the authority are satisfied that the young person lacks the capacity to understand the information which is published under section 26(1) of the 2004 Act, that information should be sent instead to the young person's parent. The test to be used by authorities in establishing whether a young person lacks capacity relates to the young person's ability to understand the information published under subsection (1) (d).