

*These notes relate to the Ethical Standards in Public Life etc. (Scotland)
Act 2000 (asp 7) which received Royal Assent on 24 July 2000*

ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT 2000

EXPLANATORY NOTES

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The Act

Part 6

Changes in Law about Teaching and Welfare of Children

Section 34 Repeal of section 2A of Local Government Act 1986

94. This section repeals section 2A of the Local Government Act 1986, which was inserted in that Act by section 28 of the Local Government Act 1988.

Section 35 Councils' duties to children

95. This section places a new duty on each Scottish council in respect of its functions which relate principally to children. Under this duty each council must have regard to the value of stable family life in a child's development; and to the need to ensure that the content of teaching is appropriate to each child's age, understanding and stage of development.
96. Subsection (2) provides a definition of "children" and "child". The effect of the definition is that the new duty applies in the performance of functions which relate principally to children of school age - i.e. those who have attained the age of 5 years but have not attained the age of 16 years - and that the second limb of the duty (section 35(1)(b)) requires councils to have regard to what is appropriate having regard to each such child's age, understanding and stage of development. The reference to "child's" in the first limb of the duty (section 35(1)(a)) is not so restricted. Thus, that limb of the duty will require councils to have regard to the value of stable family life in any child's development.