

# **EDUCATION (DISABILITY STRATEGIES AND PUPILS' EDUCATIONAL RECORDS) (SCOTLAND) ACT 2002**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### ***Section 6 - Interpretation***

15. Subsection (2) provides that expressions used in the Act are to have the same meaning as is ascribed to those expressions in the [Education \(Scotland\) Act 1980 \(c.44\)](#) (“the 1980 Act”). This is unless it is apparent that this is not the intention, , for example, this Act in section 2 providing for children educated outwith schools, gives a specific definition of pupils and pupils with disabilities to include persons under school age or who are of school age and are travelling people.
16. The 1980 Act gives the following definitions—
  - “child” means a person who is not over school age;
  - “education authority” means a council constituted under section 2 of the Local Government (Scotland) Act 1994 (a local authority);
  - “managers”, in relation to an educational establishment, means the governing body, trustees, or other person or body of persons responsible for the management of the establishment but does not include an education authority;
  - “parent” includes guardian and any person who is liable to maintain or has parental responsibilities in relation to or has care of a child or young person;
  - “proprietor” in relation to an independent school means the managers of such school [...];
  - “prescribed” means prescribed by the Secretary of State [Note: this reference to the Secretary of State must now, by virtue of section 53(1) of the [Scotland Act 1998 \(c.46\)](#), be read as a reference to the Scottish Ministers];
  - “pupil”, where used without qualification, means a person of any age for whom education is or is required to be provided under the 1980 Act; and a pupil shall be deemed to be attending or in attendance at a school if he is shown by the register of admission and withdrawal kept at the school in accordance with regulations made under the 1980 Act, or by any other register approved by the Secretary of State [now the Scottish Ministers] and kept for a similar purpose, to have been admitted to, but not to have been withdrawn from, or to have been readmitted to, and not thereafter to have been withdrawn from, the school;
  - “school” means an institution for the provision of primary or secondary education or both primary and secondary education being a public school, a grant-aided school

*These notes relate to the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 (asp 12) which received Royal Assent on 30 April 2002*

or an independent school, and includes a nursery school and a special school; and the expression “school” where used without qualification includes any such school or all such schools as the context may require;

- “school age” means a person who has attained the age of five years and has not attained the age of sixteen years;
- “young person” means a person over school age who has not attained the age of eighteen years.