



# School Education (Amendment) (Scotland) Act 2002 2002 asp 2

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 20th December 2001 and received Royal Assent on 22 January 2002**

An Act of the Scottish Parliament to amend the law about the provision of education for children under school age for whom placing requests have been made; and to make provision relating to the abolition of the post of assistant headteacher.

## **1 Placing requests: children under school age**

- (1) In section 28A of the Education (Scotland) Act 1980 (c.44) (duty of education authority to comply with placing requests)—
  - (a) in subsection (1)—
    - (i) for “child of school age” there shall be substituted “qualifying child”; and
    - (ii) for “and (3A)” there shall be substituted “, (3A) and (3F)”;
  - (b) after subsection (3D) there shall be inserted—

“(3F) Where an education authority are carrying out the duty imposed on them by subsection (1) above in respect of a child such as is mentioned in subsection (6)(c) below, they shall place the child in the specified school—

    - (a) on the date (being the date fixed for that school under section 32(1) and (2) of this Act) next following the making of the placing request; or
    - (b) where that date has passed, as soon after that date as is reasonably practicable.”; and
  - (c) after subsection (5) there shall be added—

“(6) In this section—

“primary school” does not include a nursery school or a nursery class; and

“qualifying child” means—

    - (a) a child of school age;

- (b) a child who has commenced attendance at a primary school but is not of school age; or
  - (c) a child who is not of school age and who, on the date (being the date fixed under subsections (1) and (2) of section 32 of this Act for the purposes of subsection (6) of that section) next following the making of the request under subsection (1) above, will be eligible under this Act to commence attendance at a primary school.”.
- (2) Subsection (1) above does not apply in relation to section 28A of that Act as substituted, in relation to a recorded child, by paragraph 3 of Schedule A2 to that Act.
- (3) In section 28G of that Act (placing requests by young persons), after—
  - (a) “a”, where it third occurs; and
  - (b) “the”, where it second occurs,there shall be inserted “qualifying”.

## **2 Provisions relating to the abolition of the post of assistant headteacher**

- (1) The requirements, under paragraph 1 of Schedule 2 to the School Boards (Scotland) Act 1988 (c.47) (education authority intending to fill a post of headteacher or deputy headteacher must advertise the post and set up an appointment committee for the purposes set out in sub-paragraph (b) of that paragraph), do not apply in the circumstances set out in subsection (2) below.
- (2) Those circumstances are where a person who is an assistant headteacher is to be made a deputy headteacher immediately upon that person’s post as assistant headteacher ceasing to exist.
- (3) In section 11 (appointments) of the 1988 Act, the words “and assistant” are repealed.
- (4) In section 15 (delegation of functions to school boards) of that Act, in sub-paragraph (b) of subsection (2), the words “or assistant” are repealed.
- (5) In Schedule 2 to that Act (appointment of headteachers, deputies and assistants)—
  - (a) in paragraph 1, for the words “headteacher, deputy headteacher or assistant” there shall be substituted “headteacher or deputy”;
  - (b) in paragraph 10, the words “or assistant headteacher” are repealed; and
  - (c) in paragraph 19, the words “or assistant” are repealed.

## **3 Short title and commencement**

- (1) This Act may be cited as the School Education (Amendment) (Scotland) Act 2002.
- (2) This Act (except this section) comes into force on such day as the Scottish Ministers may by order made by statutory instrument appoint; and different days may be so appointed for different purposes.