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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 564 (C. 28)**

**EDUCATION**

**The Education (Additional Support for Learning)  
(Scotland) Act 2004 (Commencement No. 3) Order 2005**

*Made - - - - 9th November 2005*

The Scottish Ministers, in exercise of the powers conferred by sections 34(2)(b) and 35(1) of the Education (Additional Support for Learning) (Scotland) Act 2004<sup>(1)</sup>, hereby make the following Order:

**Citation**

1. This Order may be cited as the Education (Additional Support for Learning) (Scotland) Act 2004 (Commencement No. 3) Order 2005.

**Appointed Day**

2. All the provisions of the Education (Additional Support for Learning) (Scotland) Act 2004, so far as not then in force, shall come into force on 14th November 2005 for all purposes excepting sections 20 and 24 and paragraph 3(7)(a) of Schedule 3 which shall not come into force on that date and in the case of paragraph 3(5) of Schedule 2 the power to make regulations shall not come into force on that date.

St Andrew's House, Edinburgh  
9th November 2005

*ROBERT E BROWN*  
Authorised to sign by the Scottish Ministers

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(1) 2004 asp 4.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order appoints the date for the coming into force of all remaining provisions of the Education (Additional Support for Learning) (Scotland) Act 2004 (“the Act”) not already in force with certain exceptions. The Act received Royal Assent on 7th May 2004.

Article 2 appoints 14th November 2005 as the day for coming into force of all provisions of the Act except those specified. Section 20 (References to Tribunal and powers (Tribunal: further provision). Section 24 (Power to prescribe standards etc. for special schools) and paragraph 3(7)(a) of Schedule 3 (Modification of enactments) which repeals the reference to section 63 of the Education (Scotland) Act 1980 from section 28D (Appeal Committees) of that Act are not commenced.

The power to make regulations regarding the number or percentage of reserved places which is contained within Schedule 2 paragraph 3(5) (Circumstances in which duty to comply with placing requests does not apply) is not commenced.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by Commencement Order made before the date of this Order:–

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 17 and Schedule 1 (Additional Support Needs Tribunal for Scotland.)	3rd May 2005	<a href="#">2005/154</a>
Section 11(8) (only for the purpose of enabling regulations to be made.)	18th May 2005	<a href="#">2005/263</a>
Section 13(6) and (7) (only for the purpose of enabling regulations to be made.)		
Section 16 (only for the purpose of enabling regulations to be made.)		
Section 22 and Schedule 2 paragraphs 4(3) and 6(6) (only for the purpose of enabling regulations to be made.)		
Section 23(2)(c) and (4) (only for the purpose of enabling orders to be made.)		

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 26(3) (only for the purpose of enabling regulations to be made.)		
Section 27 (only for the purpose of enabling regulations to be made.)		