

## SCHEDULE 2

### PART 1

#### Consequential amendments and repeals of primary legislation

##### **Education (Additional Support for Learning) (Scotland) Act 2004**

**3.—**(1) The Education (Additional Support for Learning) (Scotland) Act 2004<sup>(1)</sup> is amended as follows.

(2) In section 3B (assessment of wellbeing)—

- (a) in subsection (1), for “Tribunal” substitute “the First-tier Tribunal”; and
- (b) in subsection (2), for “Tribunal” substitute “the First-tier Tribunal”.

(3) In section 11 (co-ordinated support plans: further provision)—

- (a) in subsection (2)(b)(ii), for “a Tribunal” substitute “the First-tier Tribunal”; and
- (b) in subsection (4)(b)(ii), for “a Tribunal” substitute “the First-tier Tribunal”.

(4) In section 14A (provision of advocacy service: Tribunal)—

- (a) in subsection (1), for “Tribunal proceedings” substitute “proceedings before the First-tier Tribunal”;
- (b) in subsection (3), for “Tribunal” substitute “First-tier Tribunal”; and
- (c) the title of the section becomes “Provision of advocacy service: First-tier Tribunal”.

(5) In section 15 (mediation services), in subsection (3)(b), for “a Tribunal” substitute “the First-tier Tribunal”.

(6) In section 16 (dispute resolution), in subsection (3)(b), for “a Tribunal” substitute “the First-tier Tribunal”.

(7) Section 17 (Additional Support Needs Tribunals for Scotland) is repealed.

(8) In section 18 (references to Tribunal)—

- (a) in subsection (1), for “a Tribunal” substitute “the First-tier Tribunal”;
- (b) in subsection (2A)(a), for “Tribunal” substitute “First-tier Tribunal”;
- (c) in subsection (2A)(b), for “Tribunal” substitute “First-tier Tribunal”;
- (d) in subsection (4)(c), for “a Tribunal” substitute “the First-tier Tribunal”;
- (e) in subsection (6), for “a Tribunal” substitute “the First-tier Tribunal”;
- (f) in subsection (7), for “a Tribunal” in each place substitute “the First-tier Tribunal”;
- (g) in subsection (9), for “a Tribunal” substitute “the First-tier Tribunal”; and
- (h) in subsection (10)—
  - (i) for “President” substitute “Chamber President”; and
  - (ii) for “a Tribunal” substitute “the First-tier Tribunal”;
  - (iii) the title of the section becomes “References to the First-tier Tribunal”.

(9) In section 19 (powers of Tribunal in relation to reference)—

- (i) in subsection (1), for “a Tribunal” substitute “the First-tier Tribunal”;
- (ii) in subsection (2), for “Tribunal” in each place substitute “First-tier Tribunal”;

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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.*

- (iii) in subsection (3), for “Tribunal” in each place substitute “First-tier Tribunal”;
  - (iv) in subsection (4), for “Tribunal” in each place substitute “First-tier Tribunal”;
  - (v) in subsection (4A), for “Tribunal” in each place substitute “First-tier Tribunal”;
  - (vi) in subsection (5), for “Tribunal” in each place substitute “First-tier Tribunal”;
  - (vii) in subsection (5A), for “Tribunal” substitute “First-tier Tribunal”;
  - (viii) in subsection (7), for “a Tribunal” substitute “the First-tier Tribunal”; and
  - (ix) the title of the section becomes “Powers of First-tier Tribunal in relation to reference”.
- (10) In section 20 (references to Tribunal and powers of Tribunal: further provision)—
    - (a) in subsection (1), for “Tribunal” substitute “First-tier Tribunal”;
    - (b) in subsection (2)—
      - (i) for “Tribunal” substitute “First-tier Tribunal”; and
      - (ii) for “President” in each place substitute “Chamber President”;
    - (c) in subsection (3) for “Tribunal’s” substitute “First-tier Tribunal’s”; and
    - (d) the title of the section becomes “References to First-tier Tribunal and powers of First-tier Tribunal: further provision”.
  - (11) Section 21 (appeal to Court of Session against Tribunal decision) is repealed.
  - (12) In section 28 (requests under this Act: further provision), in subsection (2)—
    - (a) in paragraph (d), for “a Tribunal” substitute “the First-tier Tribunal”; and
    - (b) in paragraph (e)(ii), for “a Tribunal” substitute “the First-tier Tribunal”.
  - (13) In section 29 (interpretation), in subsection (1)—
    - (a) the definition of “President” is repealed;
    - (b) the definition of “Tribunal” is repealed; and
    - (c) after the definition of “eligible pre-school child”, insert—

““First-tier Tribunal” means the First-tier Tribunal for Scotland Health and Education Chamber”.
  - (14) Schedule 1 is repealed.
  - (15) In schedule 2 (children and young persons with additional support needs: placing requests)—
    - (a) in sub-paragraph (2) of paragraph 5 (reference to appeal committee of refusal of placing request), for “a Tribunal” substitute “the First-tier Tribunal”;
    - (b) in sub-paragraph (5) of paragraph 6 (references to appeal committee: supplementary provisions), for “Tribunal” in each place substitute “First-tier Tribunal”; and
    - (c) in paragraph 7 (appeal to sheriff from appeal committee)—
      - (i) in sub-paragraph (1A), for “a Tribunal” substitute “the First-tier Tribunal”; and
      - (ii) in sub-paragraph (9), for “Tribunal” in each place substitute “First-tier Tribunal”.