



Education (Scotland) Act 1996

1996 CHAPTER 43

PART IV

MISCELLANEOUS

33 Placing requests.

- (1) Section 28A of the ^{M1}Education (Scotland) Act 1980 (which sets out the duties of education authorities in relation to placing requests),^{F1}... shall be amended in accordance with this section.
- (2) In subsection (1) for the words “and (3)” there shall be substituted the words “, (3) and (3A) ”.
- (3) In subsection (3) for sub-paragraph (iv) of paragraph (a) and the word “or” immediately preceding it there shall be substituted the following sub-paragraphs—
 - “(iv) be likely to be seriously detrimental to order and discipline in the school; or
 - (v) be likely to be seriously detrimental to the educational well-being of pupils attending the school;”.
- (4) After subsection (3) there shall be inserted the following subsections—
 - “(3A) Subject to subsection (3B) below, the duty imposed by subsection (1) above does not apply where the acceptance of a placing request in respect of a child who is resident outwith the catchment area of the specified school would prevent the education authority from retaining reserved places at the specified school or in relation to any particular stage of education at the school; but nothing in this subsection shall prevent an education authority from placing a child in the specified school.
 - (3B) An education authority shall not be entitled to refuse a placing request on the ground mentioned in subsection (3A) above where there is another equivalent school managed by the authority within—

Changes to legislation: There are currently no known outstanding effects for the Education (Scotland) Act 1996, Section 33. (See end of Document for details)

- (a) in the case of a request relating to any stage of primary education, 3.2 kilometres (2 miles); and
 - (b) in any other case, 4.8 kilometres (3 miles),
- walking distance by the nearest available route of the specified school; and in paragraphs (a) and (b) the references to imperial measurements are supplementary indications of distance.
- (3C) In subsection (3A) above, “reserved places” means such number of places (not exceeding such number or, as the case may be, such percentage of places at the school or relating to the particular stage of education as may be prescribed by regulations) as are in the opinion of the education authority reasonably required to accommodate pupils likely to become resident in the catchment area of the school in the period from the time of consideration of the placing request up to and during the year from 1 August to which the placing request relates; and different numbers or, as the case may be, percentages may be prescribed under this subsection for the purpose of different cases or circumstances.
- (3D) In subsections (3A) and (3C) above, “catchment area” means the area from which pupils resident therein will be admitted to the school in terms of any priority based on residence in accordance with the guidelines formulated by the authority under section 28B(1)(c) of this Act.
- (3E) In subsection (3B) above, “equivalent school” means—
- (a) where the specified school is a denominational school, a school of the same denomination;
 - (b) where the specified school is a special school, another special school; and
 - (c) where the specified school is neither a denominational school nor a special school, another such school,
- being a school which provides school education at the stage sought in the placing request.”

Textual Amendments

F1 Words in s. 33(1) repealed (14.11.2005) by [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(asp 4\)](#), s. 35(1), **Sch. 3 para. 10(b)**; S.S.I. 2005/564, art. 2

Marginal Citations

M1 1980 c. 44.

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