



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

2004 asp 4

General powers and duties

5 General functions of education authority in relation to additional support needs

(1) Every education authority must in exercising any of their functions in connection with the provision of school education, take account of the additional support needs of children and young persons having such needs.

[^{F1}(2) Where a child falling within subsection (3) has been brought to the education authority's attention as appearing to have needs of the type mentioned in subsection (3) (c), the authority must (unless the child's parent does not consent)—

- (a) in accordance with the arrangements made by them under section 6(1), establish whether the child does have such needs, and
- (b) provide such additional support as is appropriate for the child.]

[^{F1}(3) A child falls within this subsection if the child—

- (a) is under school age (unless the child is [^{F2}an eligible] pre-school child),
- (b) belongs to the authority's area, and
- (c) appears to have additional support needs arising from a disability (within the meaning of the ^{F3}[Equality Act 2010]) which the child has.]

(4) An education authority may provide such additional support as is appropriate for children (other than children to whom the education authority have a duty under subsection (2)) and young persons belonging to the area of the authority—

- (a) having additional support needs, but
- (b) for whose school education the authority are not responsible.

Textual Amendments

F1 S. 5(2)(3) substituted (14.11.2010) by [Education \(Additional Support for Learning\) \(Scotland\) Act 2009 \(asp 7\)](#), **ss. 9, 26(3)**; S.S.I. 2010/277, art. 2

F2 Words in s. 5(3)(a) substituted (1.8.2014) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), s. 102(3), **Sch. 5 para. 10(3)**; S.S.I. 2014/131, art. 2(2)(3), Sch.

Changes to legislation: There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 5. (See end of Document for details)

F3 Words in s. 9 substituted (1.10.2010) by 2010 c. 15 Sch. 26 Pt. 2 para. 107 (as inserted by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 1 para. 6**)

Commencement Information

I1 S. 5 in force at 14.11.2005 by [S.S.I. 2005/564](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 5.