



# Education (Scotland) Act 2016

## 2016 asp 8

### PART 2

#### GAELIC MEDIUM EDUCATION

##### *Assessments: primary education*

#### **10 Duties of education authority**

- (1) Where an education authority makes a determination under section 9(5)(a) in relation to a GMPE assessment area, the authority must—
  - (a) carry out a full assessment of the need for GMPE in the area in accordance with section 12, or
  - (b) take such steps as are necessary to secure the provision of such GMPE in the area as it considers appropriate.
- (2) Where an education authority makes a determination under section 9(5)(b) in relation to a GMPE assessment area, the authority must—
  - (a) take no further action to secure the provision of GMPE in the area so far as relating to the request in respect of which the determination is made,
  - (b) carry out a full assessment of the need for GMPE in the area in accordance with section 12, or
  - (c) take such steps as are necessary to secure the provision of such GMPE in the area as it considers appropriate.
- (3) An education authority must, no later than 6 weeks after receiving the request in respect of which a determination mentioned in subsection (1) or (2) is made, send to the persons mentioned in subsection (4) notification of—
  - (a) its determination,
  - (b) its decision to act as mentioned in subsection (1)(a) or (b) or, as the case may be, subsection (2)(a), (b) or (c), and
  - (c) the reasons for its determination and decision.
- (4) The persons are—
  - (a) the parent who made the request,
  - (b) parents of other children as mentioned in section 7(2), and

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*Status: Point in time view as at 29/03/2023.*

*Changes to legislation: Education (Scotland) Act 2016, Section 10 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (c) where the request set out, or was accompanied by, evidence from parents of other children as mentioned in section 7(3), those parents.
- (5) An education authority must, before the expiry of the period mentioned in subsection (3), publish on its website—
- (a) its determination as mentioned in subsection (1) or (2),
  - (b) its decision to act as mentioned in subsection (1)(a) or (b) or, as the case may be, subsection (2)(a), (b) or (c),
  - (c) the reasons for its determination and decision, and
  - (d) information about the GMPE assessment area in respect of which its determination was made.
- (6) For the purposes of complying with the duty imposed by subsection (1)(b) or (2)(c), the authority must ensure that the GMPE is provided in the GMPE assessment area within such period after making the determination as is reasonable in all the circumstances.

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**Commencement Information**

**II** S. 10 in force at 1.2.2017 by S.S.I. 2016/386, reg. 2, sch.

**Status:**

Point in time view as at 29/03/2023.

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