

Changes to legislation: There are currently no known outstanding effects for the Education (Scotland) Act 1981, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Sections 3 and 4.

AMENDMENTS OF THE EDUCATION (SCOTLAND) ACT 1980

Modifications etc. (not altering text)

- C1** The text of ss. 1–7, 8(1)(2), 9–17, 18(2), 21(1)(3), Schs. 1–7, 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 1 The principal Act shall be amended in accordance with the following provisions of this Schedule.

PART I

SPECIAL EDUCATIONAL NEEDS

- 2 In section 4 (duty of education authorities to provide child guidance service)—
- (a) for paragraph (a) there shall be substituted the following—
“(a) the study of children with special educational needs;”;
 - (b) in paragraph (b) the words “and training” shall be omitted; and
 - (c) in paragraph (c) the word “the” shall be omitted and for the words “of special education for” there shall be substituted the words “for the special educational needs of”.
- 3 Sections 5 (special education for children with certain disabilities) and 59 (classification and educational arrangements for pupils requiring special education) shall cease to have effect.
- 4 In section 135 (interpretation)—
- (a) in subsection (1)—
 - (i) the definition of “special education” shall be omitted;
 - ^{F1}(ii)
 - (iii) for the definition of “special school” there shall be substituted the following—
““special school” means a school making provision wholly or mainly for recorded children, and includes special classes forming part of primary schools or secondary schools and child guidance clinics;” and
 - (b) in subsection (2)—
 - (i) in paragraph (a), after the word “kind” there shall be inserted “(i)”;
(ii) after paragraph (a) there shall be inserted the following—
“ ; and (ii) which is, in the case of a pupil with special educational needs, within the provision made for the purpose of meeting his

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- special educational needs until he is transferred to the stage of secondary education;”;
- (iii) in paragraph (b), after the word “kind” there shall be inserted “(i)”;
- and
- (iv) after paragraph (b) there shall be inserted the following—
 - “; and (ii) which is, in the case of a pupil with special educational needs, within the provision made for the purpose of meeting his special educational needs until he ceases to be of school age or to receive school education, whichever is the later.”.

Textual Amendments

F1 Sch. 2 para. 4(a)(ii) repealed (14.11.2005) by Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), s. 35(1), **Sch. 3 para. 4(c)(i)**; S.S.I. 2005/564, art. 2

PART II

RECORDING OF CHILDREN AND YOUNG PERSONS

- 5 In section 38 (attendance orders) for paragraph (b) of subsection (2) there shall be substituted the following—
 - “(b) a special school shall not be named unless the child is a recorded child.”.

F26

Textual Amendments

F2 Sch. 2 paras. 6-8 repealed (14.11.2005) by Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), s. 35(1), **Sch. 3 para. 4(c)(ii)**; S.S.I. 2005/564, art. 2

F27

Textual Amendments

F2 Sch. 2 paras. 6-8 repealed (14.11.2005) by Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), s. 35(1), **Sch. 3 para. 4(c)(ii)**; S.S.I. 2005/564, art. 2

F28

Textual Amendments

F2 Sch. 2 paras. 6-8 repealed (14.11.2005) by Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), s. 35(1), **Sch. 3 para. 4(c)(ii)**; S.S.I. 2005/564, art. 2

- 9 In paragraph 3 of Schedule 3 for the words “special education” there shall be substituted the words “provision for recorded children”.

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- 10 In paragraph 4 of Schedule 3 for the words from “paragraph (i)” to the end of the paragraph there shall be substituted the words “subsection (2) of that section) to record the child.”.

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