

SCHEDULES

SCHEDULE 8

Section 21.

TRANSITIONAL PROVISIONS

- 1 Any reference in any enactment or other instrument passed or made before the commencement of section 4 of this Act to special education shall be construed as a reference to provision for special educational needs made in special schools.
- 2 During any period—
- (a) after the date of the coming into force of the provision of section 1(1) of this Act inserting into the principal Act the provision which becomes paragraph (d) of section 28A(3) of that Act; but
 - (b) before the date when section 4 of this Act comes into force,
- there shall be substituted for the said paragraph (d) the following paragraph—
- “(d) if the specified school is a special school and the child has not been ascertained as requiring special education;”.
- 3 During any period—
- (a) after the date of the coming into force of the provision of section 1(1) of this Act inserting into the principal Act the provisions which become sections 28C and 28E of that Act; but
 - (b) before the date when section 4 of this Act comes into force,
- the said sections 28C and 28E shall not apply in respect of a decision of an education authority refusing a placing request made in respect of a child who has been ascertained as requiring special education.
- 4 During the period of three years beginning with the date when section 4 of this Act comes into force—
- (a) a child who has before that date been ascertained under the principal Act as originally enacted as requiring special education or to whom a decision referred to in paragraph 4 of Schedule 3 to that Act (transitional provisions) relates shall be deemed for the purposes of the provisions of that Act substituted by this Act to be a recorded child until the education authority shall have, in compliance with sub-paragraph (b) below, reached a decision on whether or not to record him;
 - (b) notwithstanding that a child is deemed under sub-paragraph (a) above to be a recorded child, the education authority shall perform their duties under sections 60 to 62 of the principal Act as substituted by section 4 of this Act in relation to him as if he were not a recorded child;
 - (c) sections 63 and 64 of the principal Act and section 61 of that Act as applied by section 63 thereof, all as originally enacted, shall have effect subject to such modifications as the Secretary of State may prescribe by regulations made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament;

Changes to legislation: There are currently no known outstanding effects for the Education (Scotland) Act 1981, SCHEDULE 8. (See end of Document for details)

- (d) sections 28C, 28E and 28F of the principal Act and sections 63 to 65 of the principal Act as substituted by this Act shall not apply in relation to a child who is deemed under sub-paragraph (a) above to be recorded.
- 5 Any consultation made or other thing done by an education authority for the purposes of their functions under Part I of the principal Act before the making of regulations under section 22A(2) of the principal Act which would if made or done after the making of those regulations be consultation for the purposes of section 22A(1) of the principal Act or part of the process of such consultation shall be deemed to be such consultation or, as the case may be, a part of the process of such consultation.
- 6 Any—
- (a) appointment made under paragraph (e) of subsection (4) of section 129 of the principal Act;
 - (b) other thing done under that paragraph
- which could be made or done under a provision of that section as amended by this Act shall, notwithstanding the repeal of that paragraph by this Act, be as valid as if made or done under that provision.
- 7 Any expression used in this Schedule and in the principal Act shall in this Schedule have the same meaning as it has in that Act.

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