



Education (Scotland) Act 1981

1981 CHAPTER 58

Placing in schools

2 Provisions supplementary to section 1.

- (1) In section 42 of the principal Act (reasonable excuses for non-attendance at school)—
- (a) in subsection (1), after the word “shall” there shall be inserted the words “,subject to subsection (1A) below,”; and
 - (b) after subsection (1) there shall be inserted the following subsection—

“(1A) Subsection (1) above shall not apply in a case where—

- (a) the education authority have, in accordance with their arrangements as published or otherwise made available under section 28B(1)(a) of this Act, proposed to place the child in a particular school or in one of a number of schools named by them and, where the particular or named school is more than walking distance from the pupil’s home measured by the nearest available route, they have offered to make for him suitable arrangements of the kind referred to in section 50 or 51 of this Act under which he would not require to walk more than walking distance, so measured, in the course of any journey between his home and the school; but
- (b) in consequence of a placing request, the child has been placed by them in a school other than a school referred to in paragraph (a) above,

and in such a case, for the purposes of sections 35, 36, 37, 41 and 44 of this Act, there shall be deemed to be a reasonable excuse if—

- (i) the child has been prevented by sickness from attending school or receiving education as the case may be; or
- (ii) there are other circumstances which in the opinion of the education authority or the court afford a reasonable excuse.”.

- (2) In section 50 of the principal Act (education of pupils in exceptional circumstances)—

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

- (a) in subsection (1), after the word “authority”, where secondly occurring, there shall be inserted the words “, in a case where subsection (3) applies, may and, in any other case, subject to subsection (4) below,”; and
- (b) after subsections (2) there shall be inserted the following subsections—

“(3) This subsection applies where—

- (a) the education authority have, in accordance with their arrangements as published or otherwise made available under section 28B(1)(a) of this Act, proposed to place the pupil in a particular school or in one of a number of schools named by them and have, in connection with that proposal, made or offered to make for the pupil suitable arrangements of the kind referred to in subsection (2) above; but
- (b) in consequence of a placing request, the pupil has been placed by them in a school other than a school referred to in paragraph (a) above.

(4) The duty imposed by subsection (1)(a) or (b) above does not apply where the pupil belongs (in accordance with section 23(3) of this Act) to the area of some other education authority or of a local education authority in England and Wales.”.

(3) In section 51 of the principal Act (provision for transport of pupils and other facilities)

- (a) in subsection (1), after the word “authority”, where it first occurs, there shall be inserted the words “, in a case to which subsection (2A) below applies, may and, in any other case, subject to subsection (2B) below,”; and
- (b) after subsection (2) there shall be inserted the following subsections—

“(2A) This subsection applies where—

- (a) the education authority have, in accordance with their arrangements as published or otherwise made available under section 28B(1)(a) of this Act, proposed to place the pupil in a particular school or in one of a number of schools named by them and, where the particular or named school is more than walking distance from the pupil’s home measured by the nearest available route, they have offered to make for him suitable arrangements of the kind referred to in subsection (1) above under which he would not require to walk more than walking distance, so measured, in the course of any journey between his home and the school; but
- (b) in consequence of a placing request, the pupil has been placed by them in a school other than a school referred to in paragraph (a) above.

In this subsection “walking distance” has the same meaning as in section 42 of this Act.

(2B) The duty imposed by subsection (1) above does not apply where the pupil belongs (in accordance with section 23(3) of this Act) to the area of some other education authority or of a local education authority in England and Wales.”.

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

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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

Changes to legislation:

There are currently no known outstanding effects for the Education (Scotland) Act 1981, Section 2.