

Education Act 1981

1981 CHAPTER 60

An Act to make provision with respect to children with special educational needs. [30th October 1981]

Modifications etc. (not altering text)

- C1 Act amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 18(2)
- C2 Act amended by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 163(1), 231(7), 235(6)
- C3 Act modified by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 236(2)(a)
- C4 Act applied (provinces of Canterbury and York except Channel Islands and Isle of Man) (1.8.1991) by Diocesan Boards of Education Measure 1991 (No. 2), s. 7(3); Archbishops' Instrument made 26. 7. 1991

Commencement Information

I1 Act not in force at date of Royal Assent see s. 20(2); Act wholly in force on 01.04.1983

Preliminary

^{F1}1

Textual Amendments

F1 S. 1 repealed (1.1.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, **Sch. 21 Pt. I**; S.I. 1993/3106, art. 4, **Sch. 1A**ppendix.

Provision of special education

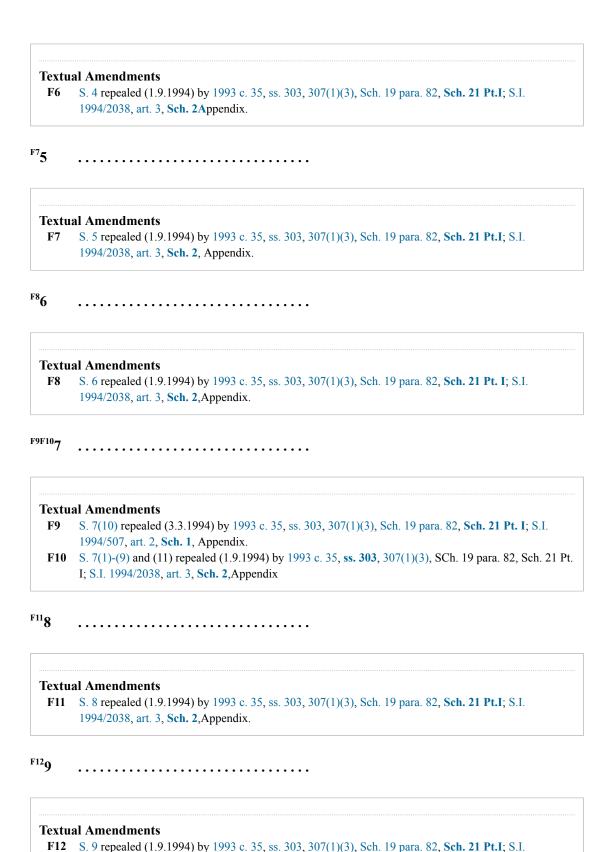
2	Provision o	f special	education:	duties of local	education	authorities e
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_	1 Tovision of special education, duties of local education authorities etc.
(1	1) In section 8(2) of the principal Act (which requires local education authorities to have regard to certain matters in fulfilling their duty to secure provision of primary and secondary schools) for paragraph (c) there is substituted the following paragraph— "(c) to the need for securing that special educational provision is made for pupils who have special educational needs; and"
F2(2	2)
F2(.	3)
F3(4	4)
	5)
	6)
	7)
Texture F2	al Amendments S. 2(2)(3) repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt. I; S.I. 1994/2038, art. 3, Sch. 2, Appendix S. 2(4)-(7) repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt. I; S.I. 1994/507, art. 3, Sch. 2, Appendix
F43	
Textu	al Amendments
F4	S. 3 repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt.I ; S.I. 1994/507, art. 4, Sch. 2 , Appendix.
F53A	
Textu	al Amendments
F5	S. 3A (which was inserted (14.10.1991) by 1989 c. 41, s. 108(4)(6), Sch. 12 para. 36, Sch. 14 para. 1(1); S.I. 1991/828, art. 3(2)) repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt. I ; S.I. 1994/2038, art. 3, Sch. 2 , Appendix.
	Identification and assessment of children with special educational needs
^{F6} 4	

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Changes to legislation: There are currently no known outstanding effects for the Education Act 1981 (repealed 1.11.1996). (See end of Document for details)



1994/2038, art. 3, Sch. 2, Appendix

^{F13} 10	
Textu F13	al Amendments S. 10 repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt.I ; S.I. 1994/2038, art. 3, Sch. 2 ,Appendix.
	Special schools and approved independent schools
11	Special schools and approved independent schools.
(1) In section 9 of the principal Act (county schools, voluntary schools, nursery school and special schools) for subsection (5) there is substituted the following subsection—
	"(5) Schools which are specially organised to make special educational provision for pupils with special educational needs and which are for the time being approved by the Secretary of State as special schools shall be known as special schools."
F14(2)
F14(3)
F14	al Amendments S. 11(2)(3) repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt.I; S.I. 1994/507, art. 3, Sch. 2, Appendix. fications etc. (not altering text) The text of ss. 11(1), 17 and 21(4) 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.
F1512	•
Textu F15	al Amendments S. 12 repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt.I ; S.I. 1994/507, art. 3, Sch. 2 , Appendix .
^{F16} 13	

Textual Amendments

F16 S. 13 repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, **Sch. 21 Pt.I**; S.I. 1994/507, **art. 4**, SCh. 2, Appendix.

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Textual Amendments

F17 S. 14 repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, **Sch. 21 Pt.I**; S.I. 1994/507, art. 4, **Sch. 2**,Appendix.

School attendance orders

^{F18}15

Textual Amendments

F18 S. 15 repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, **Sch. 21 Pt.I**; S.I.1994/2038, art. 3, **Sch. 2**, Appendix

^{F19}16

Textual Amendments

F19 S. 16 repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, **Sch. 21 Pt.I**; S.I. 1994/2038, art. 3, **Sch. 2**, Appendix.

Miscellaneous

17 Duty of parents

In section 36 of the principal Act (duty of parents to secure the education of their children) after the word "aptitude" there are inserted the words "and to any special educational needs he may have."

Modifications etc. (not altering text)

C6 The text of ss. 11(1), 17 and 21(4) 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.

12018

Textual Amendments

F20 S. 18 repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, **Sch. 21 Pt. I**; S.I. 1994/2038, art. 3, **Sch. 2**, Appendix.

^{F21}19

Textual Amendments

F21 S. 19 repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, **Sch. 21 Pt.I**; S.I. 1994/2038, art. 3, **Sch. 2**, Appendix.

20 Interpretation and commencement.

I^{F22}(1) In this Act—

- "child" includes any person who has not attained the age of 19 years and is registered as a pupil at a school;
 - "ordinary school" means a school which is not a special school;
 - " principal Act" means the MIEducation Act 1944.]
- (2) This Act shall come into force on such date as the Secretary of State may by order made by statutory instrument appoint and different dates may be appointed for different provisions or different purposes.
- (3) Any order under this section may make such transitional provisions as appear to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions, or of any other provisions of this Act then in force, as appear to him to be necessary or expedient for the purpose or in consequence of the operation of any provisions of this Act before the coming into force of any other provision.]

Textual Amendments

F22 S. 20(1) (other than the definition of "principal Act") repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, **Sch. 21 Pt.I**; S.I. 1994/2038, art. 3, **Sch. 2**,Appendix.

Modifications etc. (not altering text)

C7 Power of appointment conferred by s. 20(2) fully exercised: 1.4.1983 appointed for residue of Act, (subject to transitional provisions) by S.I. 1983/7

Marginal Citations

M1 1944 c. 31.

21 Short title, etc.

- (1) This Act may be cited as the Education Act 1981, and this Act and the Education Acts 1944 to 1980 may be cited as the Education Acts 1944 to 1981.
- (2) This Act shall be construed as one with the principal Act.
- (3) The transitional provisions made by Schedule 2 to this Act shall have effect.
- (4) The enactments mentioned in Schedule 3 to this Act shall have effect subject to the minor and consequential amendments specified in that Schedule; and the enactments mentioned in Schedule 4 are hereby repealed to the extent specified in the third column.

(5) This Act does not extend to Scotland or Northern Ireland.

Modifications etc. (not altering text)

C8 The text of ss. 11(1), 17 and 21(4) 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 Act 1981 (repealed 1.11.1996). (See end of Document for details)

SCHEDULES

[F23SCHEDULE 1

Sections 5 and 7.

ASSESSMENTS AND STATEMENTS OF SPECIAL EDUCATIONAL NEEDS]

Textual Amendments

F23 Sch. 1 repealed (1.4.1994 and 1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, **Sch. 21 Pt.I**; S.I. 1994/507, art. 4, **Sch. 2**, Appendix; S.I. 1994/2038, art. 3, **Sch. 2**, Appendix.

PART I

ASSESSMENTS

Regulations

F24	(2)
F25	$5(3) \cdots \cdots$
Textu	al Amendments
F24	Sch. 1 para. 1(1)(2) repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt.
	I. S. I. 1994/2038 art. 3. Sch. 2. Appendix

F25 Sch. 1 para. 1(3) repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt. I; S.I. 1994/507, art. 4, Sch. 2, Appendix

Attendance at examinations

F267

Textual Amendments

F26 Sch. 1 para. 2 repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, **Sch. 21**, Pt.I; S.I. 1994/2038, art. 3, **Sch. 2**, Appendix

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PART II

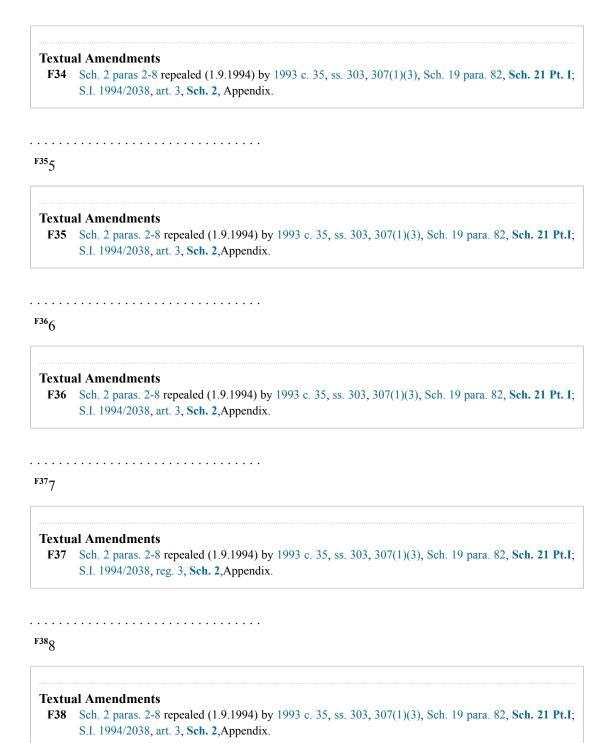
STATEMENTS

Form of statement
F27 ₃
Textual Amendments F27 Sch. 1 para. 3 repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt.I; S.I 1994/2038, art. 3, Sch. 2, Appendix
Keeping and disclosure of statements
F ²⁸ 4
Textual Amendments F28 Sch. 1 para. 4 repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21, Pt.I; S.I. 1994/507, art. 4, Sch. 2Appendix
Review of statements
F ²⁹ 5
Textual Amendments F29 SCh. 1 para. 5 repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt. I; S.I. 1994/2038, art. 3, Sch. 2, Appendix
Amendment of statements, etc.
F ³⁰ 6
Textual Amendments F30 Sch. 1 para. 6 repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt. I; S.I. 1994/2038, art. 3, Sch. 2Appendix

Changes to legislation: There are currently no known outstanding effects for the Education Act 1981 (repealed 1.11.1996). (See end of Document for details)

F317	
Textua F31	Al Amendments Sch. 1 para. 7 repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21, Pt. I; S.I. 1994/2038, art. 3, Sch. 2Appendix
	SCHEDULE 2 Section 21
	TRANSITIONAL PROVISIONS
	Approval of special schools
1	Any approval given under section 9(5) of the principal Act (special schools) before the commencement of section 12 of this Act and in force immediately before tha date shall have effect for the purposes of the principal Act and of regulations made under section 12 as if it had been given under section 9(5) as amended by this Act
	Special educational treatment
F32 ₂	
Textua F32	Al Amendments Sch. 2 paras. 2-8 repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt.I; S.I. 1994/2038, art. 3, Sch. 2, Appendix.
 F3333	
Textua F33	Al Amendments Sch. 2 paras. 2-8 repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt.I; S.I. 1994/2038, art. 3, Sch. 2, appendix.

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SCHEDULE 3

Section 21.

MINOR AND CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991. Children and Young Persons Act 1933 (c. 12) F39₁ **Textual Amendments** F39 Sch. 3 para.1 repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt.I; S.I. 1994/507, art. 4, Sch. 2, Appendix. The principal Act F402 **Textual Amendments** F40 Sch. 3 para. 2 repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt.I; S.I. 1994/507, art. 4, Sch. 2, Appendix. 3 In section 50(1) of the principal Act (provisions of board and lodging) after the word "aptitude" there are insertted the words "and to any special educational needs he may have "; for the words " requiring special educational treatment" there are substituted the words "having special educational needs"; and for the word "treatment", in the second place where it occurs, there is substituted the word "provision". In section 52(1) of the principal Act (recovery of cost of board and lodging) after 4 the word "aptitude" there are inserted the words "or special educational needs".

Changes to legislation: There are currently no known outstanding effects for the Education Act 1981 (repealed 1.11.1996). (See end of Document for details)

Textual Amendments

F41 Sch. 3 para. 5 repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. II

In section 114 of the principal Act (interpretation) for the definition of "special educational treatment" there is substituted—" "special educational needs" and "special educational provision" have the same meanings given to them by section 1 of the Education Act 1981;".

Education (Miscellaneous Provisions) Act 1948 (c. 40)

In section 5(1) of the Education (Miscellaneous Provisions) Act 1948 (provision of clothing) for the words from "receiving special" to the end there are substituted the words "for whom special educational provision is made in pursuance of arrangements made by them".

Education (Miscellaneous Provisions) Act 1953 (c. 33)

- 8 (1) Section 6 of the Education (Miscellaneous Provisions) Act 1953 (payment of pupils' fees at non-maintained schools) is amended as follows.
 - (2) In subsection (2)—
 - - (b) after the word "pupil" in paragraph (a)(ii), in the second place where it occurs, there are inserted the words "and any special educational needs he may have "; and
 - ^{F42}(c)
 - (d) in paragraph (b) after the word "aptitude" there are inserted the words "and to any special educational needs he may have "

Textual Amendments

F42 Sch. 3 para. 8(2)(a)(c) repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, **Sch. 21**, Pt.I; S.I. 1994/2038, art. 3, **Sch. 2**, Appendix.

F43 . . .

Textual Amendments

F43 Sch. 3 para. 9 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 14 paras. 1(1), 27(4), Sch.15; S.I. 1991/828, art. 3(2).

Changes to legislation: There are currently no known outstanding effects for the Education Act 1981 (repealed 1.11.1996). (See end of Document for details)

^{F44} 9	
F44	l Amendments Sch. 3 para. 9 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s.108(6)(7) (Sch. 14 paras. 1(1), 27(4)), Sch. 15; S.I. 1991/828, art. 3(2) and Sch. 3 para. 9 is expressed to be repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt. I; S.I. 1994/2038, art. 3, Sch. 2, Appendix
	Education Act 1973 (c. 16)
 ^{F45} 10	
	l Amendments Sch. 3 para. 10 repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, Sch. 21 Pt.I; S.I. 1994/507, art. 4, Sch. 2, Appendix .
	Sex Discrimination Act 1975 (c. 65)
11	In section 23(1) of the Sex Discrimination Act 1975 (local education authorities not to discriminate in exercising functions under Education Acts), as amended by section 33(1) of the Education Act 1980, for the words "the Education Acts 1944 to 1980" there are substituted the words "the Education Acts 1944 to 1981".
	Race Relations Act 1976 (c. 74)
12	In section 18(1) of the Race Relations Act 1976 (local education authorities not to discriminate in exercising functions under Education Acts), as amended by section 33(1) of the Education Act 1980, for the words "the Education Acts 1944 to 1980" there are substituted the words "the Education Acts 1944 to 1981".
	National Health Service Act 1977 (c. 49)
 ^{F46} 13	

F46 Sch. 3 para. 13 repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, **Sch. 21 Pt.I**; S.I.

1994/507, art. 4, Sch. 2, Appendix.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1981 (repealed 1.11.1996). (See end of Document for details)

Education Act 1980 (c. 20)

In section 9(2) of the Education Act 1980 (application of that Act to special schools etc.) for the words "in need of special educational treatment" there are substituted the words "in respect of whom statements are maintained under section 7 of the Education Act 1981 (special educational needs)".

F4715

Textual Amendments

F47 Sch. 3 para. 15 repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, **Sch. 21 Pt. I**; S.I. 1994/2038, art. 3, **Sch. 2**, Appendix.

F4816

Textual Amendments

F48 Sch. 3 para. 16 repealed (1.9.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 82, **Sch. 21 Pt.I**; S.I. 1994/2038, art. 3, **Sch. 2**,Appendix.

SCHEDULE 4

Section 21.

REPEALS

Modifications etc. (not altering text)

C10 The text of Sch. 4 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.

Chapter

Short title

Extent of repeal

7 & 8 Geo. 6. c. 31.

The Education Act 1944.

Sections 33 and 34.

In section 37, in subsection (2) the words from "provided that" to the end, subsection (3), in subsection (4) the words from "requesting that another" to "order or", the words from "that the proposed" to "child or" and

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		the words " as the case may be".
		Section 38.
1970 c. 44.	The Chronically Sick and Disabled Persons Act 1970.	Sections 25 to 27.
1976 c. 81.	The Education Act 1976.	Section 10.
1980 c. 20.	The Education Act 1980.	Section 10(6) and (7).
		Section 33(1).

Status:

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Changes to legislation:

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