

## SCHEDULES

### SCHEDULE 2

Sections 3 and 4.

#### AMENDMENTS OF THE EDUCATION (SCOTLAND) ACT 1980

- 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 ;
    - (ii) after the definition of " school education " there shall be inserted the following—
      - “" special educational needs " has the meaning assigned to it by section 1(5)(d) of this Act;”;
    - (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

---

*Status: This is the original version (as it was originally enacted).*

---

made for the purpose of meeting his 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.”.

## 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.”.

6 In section 40 (period of operation of attendance orders) for the proviso there shall be substituted the following—

“Provided that if the Record in relation to a recorded child is or falls to be discontinued by virtue of any enactment any attendance order requiring the attendance of that child at a special school shall be deemed to be annulled.”.

7 In section 54(4)(b) (provision of clothing for pupils at public schools) for the words from " a pupil" to " special education " there shall be substituted the words " a recorded child or recorded young person in respect of whom an education authority are, under section 62(3) of this Act, under a duty ".

8 In section 135(1), at the appropriate place in alphabetical order, there shall be inserted the following—

“Record ", and " recorded " and other cognate expressions have the same respective meanings as in section 60 of this Act;”.

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

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. ".