



Education (Scotland) Act 1945

1945 CHAPTER 37

PART II

RIGHTS AND DUTIES OF PARENTS AND FUNCTIONS OF EDUCATION AUTHORITIES IN RELATION TO INDIVIDUAL PUPILS.

Handicapped Children.

40 Duty of education authorities to ascertain what children are suffering from disability.

- (1) It shall be the duty of an education authority to ascertain what children in their area who have attained the age of five years—
 - (a) require special educational treatment ; or
 - (b) are suffering from a disability of mind of such a nature or to such an extent as to make them incapable of receiving education at school, or as to make it inexpedient that they should be educated in association with other children either in their own interests or in those of the other children.
- (2) If for the purpose of their duty under the last foregoing subsection an authority consider it necessary that a child should be medically examined, they shall by notice in writing served upon the parent of the child require him to submit the child for medical examination by a medical officer of the authority in order to obtain advice as to whether the child is suffering from any disability of mind or body and as to the nature and extent of any such disability ; and if a parent upon whom such a notice is served fails without reasonable excuse to comply with the requirements thereof he shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds.
- (3) Before any child is so medically examined as aforesaid, the authority shall cause notice to be given to the parent of the time and place at which the examination will be held, and the parent shall be entitled to be present at the examination if he so desires.

Status: *This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

- (4) If the parent of any child who has attained the age of two years requests the education authority for the area to cause the child to be so medically examined as aforesaid, the authority shall comply with the request unless in their opinion the request is unreasonable.
- (5) It shall be the duty of an education authority to disseminate in their area information as to the educational importance to any child suffering from disability of mind or body of the early ascertainment of his disability, and of the opportunity for medical examination available under this section.