

SCHEDULE

Regulation 4

EXCEPTED PUPILS

1. In this Schedule—

“child” means a child who is a pupil in any lower primary class; and

“the school” means the school of which that class forms part.

2. This paragraph applies at any time during the first school year to any recorded child who is placed, outside a normal placing round, in the school nominated in his Record of Needs.

3. This paragraph applies at any time during the first school year to a child placed in the school outside a normal placing round who—

(a) was initially refused a place at the school owing to a failure properly to implement the education authority’s placing arrangements applicable to the school;

(b) was subsequently offered a place there by virtue of a decision made by the education authority that there had been such a failure in relation to the child.

4. This paragraph applies at any time during the first school year to a child placed in the school outside a normal placing round by virtue of a decision of an appeal committee under section 28E of the 1980 Act or of the sheriff under section 28F of that Act⁽¹⁾.

5.—(1) This paragraph applies at any time during the first school year to a child placed in the school outside a normal placing round—

(a) in relation to whom that school is the only school (apart from any school at which he has been refused a place or from which he has been permanently excluded) which—

(i) is within a reasonable distance from his home, and

(ii) provides suitable education; and

(b) who did not, at the relevant date, ordinarily reside at a place which was within a reasonable distance from that school.

(2) In sub-paragraph (1)(b) “the relevant date” means the date referred to in regulation 2(2).

6. This paragraph applies to a child—

(a) who is a pupil at a special school, and

(b) who, by arrangement with another school which is not a special school, receives part of his education at the other school,

at any time when he is in a lower primary class at the other school.

7.—(1) In this paragraph, “designated pupil” means a pupil with special educational needs who—

(a) is a pupil at a school which is not a special school; and

(b) is normally educated in a unit which—

(i) forms part of that school, and

(ii) is specially organised to provide education for pupils with special educational needs.

(2) This paragraph applies to a child who is a designated pupil at any time when he is in a lower primary class which does not form part of the unit referred to in sub-paragraph (1)(b).

(1) Sections 28E and 28F were inserted by the Education (Scotland) Act 1981 (c. 58), section 1(1).

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

(3) Where this paragraph applies to a child, regulation 4(1) shall have effect in relation to that child as if after “in another lower primary class at that school” there were inserted “(other than a class which comprises or forms part of a unit referred to in paragraph 7(1)(b) of the Schedule)”.

8. Paragraphs 3 to 5 do not apply to a recorded child.