

Status: Point in time view as at 31/07/1997.

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SCHEDULES

[^{F1}SCHEDULE A1

APPEAL COMMITTEES

Textual Amendments

F1 Sch. A1 inserted by Education (Scotland) Act 1981 (c. 58), s. 1(2), Sch. 1

- 1 An appeal committee set up under section 28D(1) of this Act shall be constituted in accordance with this Schedule.
- 2 An appeal committee shall consist of 3, 5 or 7 members nominated by the authority from among persons appointed by the authority under this Schedule; and sufficient persons may be appointed to enable 2 or more appeal committees to sit at the same time.
- 3 The persons appointed shall comprise—
 - (a) members of the authority or of [^{F2}any committee appointed by the authority whose purposes include advising the authority on any matter relating to the discharge of any of their functions as education authority or discharging any of those functions on behalf of such authority]; and
 - (b) persons who are not members of the authority or of [^{F3}any such committee] but are—
 - (i) parents of children of school age;
 - (ii) persons who in the opinion of the authority have experience in education; or
 - (iii) persons who in the opinion of the authority are acquainted with the educational conditions in the area of the authority;but shall not include any person employed by the authority [^{F4}in an administrative or advisory capacity as respects the discharge of their education functions.].

Textual Amendments

- F2** Words in Sch. A1 para. 3(a) substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 118(10)(a)(i); S.I. 1996/323, art. 4(1)(c).
- F3** Words in Sch. A1 para. 3(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 118(10)(a)(ii); S.I. 1996/323, art. 4(1)(c).
- F4** Words in Sch. A1 para. 3 substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 118(10)(a)(iii); S.I. 1996/323, art. 4(1)(c).

- 4 The members of an appeal committee who are members of the authority or of [^{F5}any committee such as is mentioned in paragraph 3 above] shall not outnumber the other members of the appeal committee by more than one.

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Textual Amendments

F5 Words in [Sch. A1 para. 4](#) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 118\(10\)\(b\)](#); [S.I. 1996/323, art. 4\(1\)\(c\)](#).

5 A person who is a member of [^{F6}any committee such as is mentioned in paragraph 3 above] shall not be chairman of an appeal committee.

Textual Amendments

F6 Words in [Sch. A1 para. 5](#) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 118\(10\)\(c\)](#); [S.I. 1996/323, art. 4\(1\)\(c\)](#).

6 A person shall not be a member of an appeal committee for the consideration of a reference of a decision if he was among those who made the decision or took part in or was present at discussions as to whether the decision should be made.

7 A person who is—

- (a) a teacher at a relevant school (within the meaning of paragraph 8 below);
- (b) a pupil at such a school;
- (c) a parent of a pupil at such a school; or
- (d) a member of a [^{F7}School Board] having functions in relation to such a school

shall not be a member of an appeal committee for consideration of a reference involving a question whether a child is to be placed in the specified school or excluded from the relevant school.

Textual Amendments

F7 Words “school council” omitted and “School Board” substituted by [School Boards \(Scotland\) Act 1988 \(c. 47, SIF 41:2\)](#), [ss. 23, 24\(2\)](#), [Sch. 4 para. 7](#)

8 For the purposes of paragraph 7 above, “relevant school” means in relation to a reference to the appeal committee—

- (a) the school which the child to whom the placing request relates attends;
- (b) the specified school;
- (c) the school which the education authority propose that the child to whom the placing request relates should attend;
- (d) a school from which pupils are normally transferred to the school referred to in sub-paragraph (b) or (c) above; or
- (e) the school from which the pupil has been excluded.

9 An appeal committee constituted in accordance with this Schedule shall be included in the bodies to which sections 45(4) and 46 of the ^{M1}Local Government (Scotland) Act 1973 (allowances) apply.]

Marginal Citations

M1 [1973 c. 65](#).

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[^{F8}SCHEDULE A2]

APPLICATION OF CERTAIN PROVISIONS OF THIS ACT TO RECORDED CHILDREN AND YOUNG PERSONS

Textual Amendments

F8 Sch. A2 inserted by Education (Scotland) Act 1981 (c. 58), s. 4(3), Sch. 3, Sch. 8

- 1 Sections 28B and 28D of this Act and Schedule A1 to this Act shall apply in relation to a recorded child.
- 2 Sections 28C, 28E(1) to (6) and 28F(1) and (5) to (7) of this Act shall not apply in relation to a recorded child (corresponding provision being made in sections 63 to 65 of this Act).
- 3 In relation to a recorded child, for section 28A of this Act there shall be substituted the following section—

- (1) Where the parent of a recorded child makes a written request to an education authority to place his child in the school specified in the request, being a school under their management, it shall be the duty of the authority, subject to subsections (2) [^{F9}, (3) and (3A)] below, to place the child accordingly; and where the parent of a recorded child makes a written request to the education authority for the area to which the child belongs (in accordance with section 23(3) of this Act) to place his child in the school specified in the request, not being a public school but being

[^{F10}(a) a special school the managers of which are willing to admit the child],

[^{F11}(b) a school in England and Wales or in Northern Ireland, the managers of which are willing to admit the child and which is a school making provision wholly or mainly for children (or as the case may be young persons) with pronounced, specific or complex special educational needs;]

it shall be the duty of the authority, subject to subsections (2) and (3) below, to meet the fees and other necessary costs of the child's attendance at the specified school.

Such a request so made is referred to in this Act as a “placing request” and the school specified in it is referred to in this Act as the “specified school”.

- (2) Where a placing request relates to two or more schools being schools under the management of the education authority to whom it is made or [^{F12}schools mentioned in paragraph (a) or (b) of subsection (1) above] the managers of which are willing to admit the child in respect of whom the request is made, the duty imposed by [^{F12}that subsection] shall apply in relation to the first mentioned such school, which shall be treated for the purposes of this Act as the specified school.

- (3) The duty imposed by subsection (1) above does not apply—

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- (a) if placing the child in the specified school would—
 - (i) make it necessary for the authority to take an additional teacher into employment;
 - (ii) give rise to significant expenditure on extending or otherwise altering the accommodation at or facilities provided in connection with the school;
 - (iii) be seriously detrimental to the continuity of the child’s education;
 - [^{F13}(iv) be likely to be seriously detrimental to order and discipline in the school; or
 - (v) be likely to be seriously detrimental to the educational well-being of pupils attending the school;]
- (b) if the education normally provided at the specified school is not suited to the age, ability or aptitude of the child;
- (c) if the education authority have already required the child to discontinue his attendance at the specified school;
- (d) if, where the specified school is a [^{F12}school mentioned in paragraph (a) or (b) of subsection (1) above], the child does not have special educational needs requiring the education or special facilities normally provided at that school;
- (e) if the specified school is a single sex school (within the meaning given to that expression by section 26 of the Sex Discrimination Act 1975) and the child is not of the sex admitted or taken (under that section) to be admitted to the school; or
- (f)
 - (i) the specified school is not a public school;
 - [^{F14}(ii) the authority are able to make provision for the special educational needs of the child in a school under their management;
 - (iia) it is not reasonable, having regard both to the respective suitability and to the respective cost (including necessary incidental expenses) of the provision for the special educational needs of the child in the specified school and in the school under the authority’s management, to place the child in the specified school; and]
 - (iii) the authority have offered to place the child in the school referred to in sub-paragraph (ii) above,

but an education authority may place a child in the specified school notwithstanding paragraphs (a) [^{F15}to (e)] above.

[^{F16}(3A) Subject to subsection (3B) below, the duty imposed by subsection (1) above does not apply where the acceptance of a placing request in respect of a child who is resident outwith the catchment area of the specified school would prevent the education authority from retaining reserved places at the specified school or in relation to any particular stage of education at the school; but nothing in this subsection shall prevent an education authority from placing a child in the specified school.

(3B) An education authority shall not be entitled to refuse a placing request on the ground mentioned in subsection (3A) above where there is another equivalent school managed by the authority within—

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- (a) in the case of a request relating to any stage of primary education, 3.2 kilometres (2 miles); and
 - (b) in any other case, 4.8 kilometres (3 miles),
- walking distance by the nearest available route of the specified school; and in paragraphs (a) and (b) the references to imperial measurements are supplementary indications of distance.
- (3C) In subsection (3A) above, “reserved places” means such number of places (not exceeding such number or, as the case may be, such percentage of places at the school or relating to the particular stage of education as may be prescribed by regulations) as are in the opinion of the education authority reasonably required to accommodate pupils likely to become resident in the catchment area of the school in the period from the time of consideration of the placing request up to and during the year from 1 August to which the placing request relates; and different numbers or, as the case may be, percentages may be prescribed under this subsection for the purpose of different cases or circumstances.
- (3D) In subsections (3A) and (3C) above, “catchment area” means the area from which pupils resident therein will be admitted to the school in terms of any priority based on residence in accordance with the guidelines formulated by the authority under section 28B(1)(c) of this Act.
- (3E) In subsection (3B) above, “equivalent school” means—
- (a) where the specified school is a denominational school, a school of the same denomination;
 - (b) where the specified school is a special school, another special school; and
 - (c) where the specified school is neither a denominational school nor a special school, another such school,
- being a school which provides school education at the stage sought in the placing request.]
- (4) An education authority shall inform a parent in writing of their decision on his placing request and, where they decide to refuse it, shall give him written reasons for their decision and inform him of his right to refer it under section 63 of this Act to an appeal committee.
- (5) On complying with a placing request an education authority shall modify accordingly the nomination in the child’s Record of a school to be attended by him.
- (6) The Secretary of State may, by regulations, make provision for deeming an education authority to have refused a placing request in the event of their not having informed the parent in writing of their decision on it in accordance with subsection (4) above within such period or before such date as may be prescribed in the regulations and different periods or dates may be so prescribed for different purposes.”

Textual Amendments

F9 Words in s. 28A(1) substituted (18.9.1996) by 1996 c. 43, s. 33(2); S.I. 1996/2250, art. 2

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- F10** Words “a special school the managers of which are willing to admit the child” have become paragraph (a) of s. 28A(1) as substituted by Sch. A2 by virtue of Self-Governing Schools etc. (Scotland) Act 1989 (c.39, SIF 41:2), **s. 71(1)**
- F11** Paragraph (b) inserted by virtue of Self-Governing Schools etc. (Scotland) Act 1989 (c.39, SIF 41:2), **s. 71(1)**
- F12** Words substituted by virtue of Self-Governing Schools etc. (Scotland) Act 1989 (c.39, SIF 41:2), **s. 71(1)**
- F13** S. 28A(3)(a)(iv)(v) substituted for s. 28A(3)(a)(iv) and the preceding word (18.9.1996) by 1996 c. 43, **s. 33(3); S.I. 1996/2250, art. 2**
- F14** Subparagraphs (ii)(ia) substituted for subparagraph (ii) of S. 28A(3)(f) (as substituted by Sch. A2) by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), **s. 71(1)**
- F15** Words substituted by virtue of Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), **s. 71(1)**
- F16** S. 28A(3A)-(3E) inserted (18.9.1996) by 1996 c. 43, **s. 33(4); S.I. 1996/2250, art. 2**
- 4 (1) Sections 28A, 28B and 28D of this Act and Schedule A1 to this Act shall, subject to the provisions of this paragraph, apply in relation to a recorded young person as they apply in relation to a recorded child.
- (2) For the purposes of the application of those provisions to recorded young persons, references therein to the parent of a recorded child as well as references to the child himself shall, subject to sub-paragraph (3) below, be construed as references to the recorded young person.
- (3) Sub-paragraph (2) above does not apply in a case where, for the purposes of section 61(7) of this Act, the education authority were satisfied that the young person was not capable of expressing his views for the purposes of that section.
- 5 Sections 28C, 28E(1) to (6) and 28F(1) and (5) to (7) of this Act shall not apply in relation to a recorded young person (corresponding provision being made in sections 63 to 65 of this Act).
- 6 Section 28G of this Act shall not apply in relation to a recorded young person (corresponding provision being made in paragraph 4 of this Schedule).

SCHEDULE 1

Section 67.

LOCAL INQUIRIES

- 1 The Secretary of State shall appoint a person to hold the inquiry and to report thereon to him.
- 2 The person appointed shall notify the bodies and persons appearing to him to be interested of the time when and the place where the inquiry is to be held.
- 3 The person appointed may by notice in writing require any person—
- (a) to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry; or
 - (b) to furnish within such reasonable period as is specified in the notice such information relating to any matter in question at the inquiry as the person appointed may think fit and as the person so required is able to furnish:

Provided that—

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- (i) no person shall be required in obedience to such a notice to attend at any place which is more than ten miles from the place where he resides unless the necessary expenses are paid or tendered to him; and
- (ii) nothing in this paragraph shall empower the person appointed to hold the inquiry to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.
- 4 The person appointed to hold the inquiry may administer oaths and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person supported by a declaration of the truth thereof in such form as the person appointed may require.
- 5 The inquiry shall unless the Secretary of State otherwise directs be held in public.
- 6 Any person who refuses or wilfully neglects to attend in obedience to a notice issued under paragraph 3 above, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or document which he may be required to produce by any such notice, or who refuses or wilfully neglects to comply with any requirement of the person appointed to hold the inquiry under paragraph 3 above, shall be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a period not exceeding three months.
- 7 The Secretary of State may make orders as to the expenses incurred by the parties appearing at the inquiry and as to the parties by whom such expenses shall be paid.
- 8 Any order by the Secretary of State under paragraph 7 above requiring any party to pay expenses may be enforced in like manner as [^{F17}an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.]

Textual Amendments

F17 Words substituted by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s. 108(1), [Sch. 6 para. 22](#)

[^{F18}SCHEDULE 1A]

REVOCATION OF DETERMINATIONS FOR THE PURPOSES OF THE ASSISTED PLACES SCHEME

Textual Amendments

F18 [Sch. 1A](#) inserted by [Education \(Scotland\) Act 1981 \(c. 58\)](#), s. 5(3), [Sch. 4](#)

- 1 The proprietors or managers of a participating school may request the Secretary of State to revoke the determination by giving him three years written notice or such shorter notice as he may in any particular case accept.

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- 2 On the expiry of the period of notice referred to in paragraph 1 above the Secretary of State shall revoke the determination.
- 3 Subject to paragraph 4 below, the Secretary of State may revoke a determination in respect of a school by giving three years written notice to the proprietors or managers of the school.
- 4 (1) If the Secretary of State—
- (a) is not satisfied that appropriate educational standards are being maintained at a participating school; or
 - (b) is satisfied that any condition applying to the school by virtue of a determination or regulations made under section 75A or 75B of this Act has been contravened, or that any obligation applying to the school by virtue of such regulations has not been complied with,
- he may at any time revoke the determination by written notice to the proprietors or managers of the school.
- (2) A notice of revocation of a determination given under this paragraph may provide that it shall be treated as of no effect if the proprietors or managers of the school satisfy the Secretary of State within such time as may be specified in the notice that they have complied with any condition specified therein.

Modifications etc. (not altering text)

C1 Sch. 1A para. 4 amended by s. 48A(10) of [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:2\)](#), (as inserted by [Education \(No.2\) Act 1986 \(c.61, SIF 41:1\)](#), s. 48)

- 5 A notice of revocation of a determination given under paragraph 3 or 4 above shall contain a statement of the reasons for which it is given.
- 6 Revocation of a determination shall not affect the operation of—
- (a) the determination;
 - (b) the scheme in relation to which the determination was made; or
 - (c) any regulations made under section 75A or 75B of this Act,
- in relation to any pupil holding an assisted place at the school on the date of the revocation.

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[^{F19}SCHEDULE 1B]

REMUNERATION OF TEACHING STAFF: THE COMMITTEE

Textual Amendments

F19 Sch. 1B inserted by Education (Scotland) Act 1981 (c. 58), s. 14(2), Sch. 5

Procedure

- 1 The committee may, from time to time—
- (a) appoint from among its own members, a sub-committee—
 - (i) to discharge such of the functions of the committee as the committee may specify; or
 - (ii) to advise the committee on any matter relating to the discharge of the functions of the committee:

Provided that any person so appointed shall, upon ceasing to be a member of the committee, cease also to be a member of the sub-committee;

- (b) appoint a chairman from among its own members and revoke the appointment of his predecessor, if any;
 - (c) subject to the provisions of this Act, make, vary or revoke standing orders—
 - (i) regulating the quorum, procedure and place of meeting of the committee or of any of its sub-committees; or
 - (ii) regulating the manner in which any dispute relating to procedure, or the interpretation of standing orders made under this sub-paragraph or the following paragraph, is to be resolved;but subject to any such standing orders and to the provisions of this Act the quorum, procedure and place of meeting of the committee or of any of its sub-committees shall be such as the committee, or in respect of itself the sub-committee, may determine.
- 2 Subject to any standing orders made under paragraph 1(c) above by the committee, a sub-committee appointed under paragraph 1(a) above may from time to time do anything in respect of itself that the committee may, under paragraph 1(b) or (c)(i) above, do in respect of the committee; but the power which the committee has under paragraph 1(c) above to vary or revoke standing orders shall include the power to vary or revoke standing orders made by any of its sub-committees.

General powers

- 3 Subject to the provisions of this Act, the committee or any of its sub-committees shall have power to do anything (whether or not involving the expenditure or borrowing of money) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

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- 4 Without prejudice to the generality of paragraph 3 above, the powers conferred by that paragraph shall, in relation to the committee, include the power to—
 - (a) employ servants or agents;
 - (b) acquire or dispose of any property or rights;
 - (c) sell, at such price as the committee may consider appropriate, to any person or body anything published, under the provisions of sections 91 to 97D of this Act, by the committee;

Provided that nothing in this sub-paragraph shall authorise any charge to be made in respect of any copy the transmission of which is required under the said provisions; and

- (d) make provision for the resolution of any dispute between teaching staff and their employers as to the meaning or application of—
 - (i) any settlement which the committee may formulate; or
 - (ii) any award which under section 97B(8) or (9) of this Act has the same effect as such a settlement,
 and shall, in relation to any sub-committee of the committee, include the powers mentioned in sub-paragraph (d) of this paragraph.

Recovery of expenditure

- 5 Expenditure incurred by the committee shall be recoverable so far as possible from income received by the committee in the exercise of the power specified in paragraph 4(c) of this Schedule.
- 6 In so far as such expenditure is not defrayed from income received as aforesaid, it shall be recoverable in such manner and in such proportions as the committee may determine from the bodies, other than the Secretary of State, which nominated the persons who are for the time being the members of the committee.

SCHEDULE 2

Section 100(1).

CONSTITUTION OF INDEPENDENT SCHOOLS TRIBUNALS

1 F20

Textual Amendments
F20 Ss. 5, 28(2), 59, 66(2), 111(4)(5), 129(5)(6), 132(1), Sch. 2 paras. 1, 3 repealed by Education (Scotland) Act 1981 (c. 58), Sch. 9

- 2 No officer of any government department and no person employed by an education authority in any capacity other than that of a teacher shall be qualified to be appointed to ^{F21}an Independent Schools Tribunal by the Secretary of State under paragraph 4 below,] and no person shall be so qualified unless he has had such experience in teaching or in the conduct, management or administration of schools as the Secretary of State considers suitable.

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Textual Amendments

F21 Words substituted by [Education \(Scotland\) Act 1981 \(c. 58\)](#), s. 11(b), **Sch. 8**

3 **F22**

Textual Amendments

F22 [Ss. 5, 28\(2\), 59, 66\(2\), 111\(4\)\(5\), 129\(5\)\(6\), 132\(1\), Sch. 2 paras. 1, 3](#) repealed by [Education \(Scotland\) Act 1981 \(c. 58\)](#), **Sch. 9**

4 Where any complaint is required to be determined by an Independent Schools Tribunal, the tribunal shall consist of the sheriff principal (or, if he is unable to act, a person qualified for appointment as sheriff principal nominated by the Lord President of the Court of Session), who shall be chairman, and two other members appointed. . . ^{F23} by the Secretary of State,. . . ^{F23}

Textual Amendments

F23 Words repealed by [Education \(Scotland\) Act 1981 \(c. 58\)](#), **Sch. 9**

5 In this Schedule “sheriff principal” means the sheriff principal of the sheriffdom in which the school to which the complaint relates is situated or, in the case of an appeal against a refusal to remove a disqualification, the sheriff principal of the sheriffdom where the appellant resides.

SCHEDULE 3

Section 136(1).

TRANSITIONAL AND SAVINGS PROVISIONS

General

1 Where any document refers expressly or by implication to an enactment repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.

2 Any reference in any provision of this Act (whether expressed or implied) to a thing done or falling to be done under a provision of this Act shall, in so far as the context permits, be construed as including, in relation to times, circumstances and purposes in relation to which a corresponding provision of an enactment repealed by this Act had effect, a reference to a thing done or falling to be done under that corresponding provision.

Children Requiring Special Education

3 Any reference in any enactment or other instrument passed or made before the commencement of the ^{M2}Education (Scotland) Act 1969 to special educational treatment shall be construed as a reference to [^{F24}provision for recorded children].

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Textual Amendments

F24 Words substituted by [Education \(Scotland\) Act 1981 \(c. 58\)](#), [Sch. 2 Pt. II para. 9](#), [Sch. 8](#)

Marginal Citations

M2 [1969 c. 49](#).

4 Any decision, made under the Act of 1962 before the commencement of the said Act of 1969 by an education authority to the effect that a child requires special educational treatment, which is in force at such commencement, shall continue in force and be deemed to be a decision under section 62 of this Act (duly notified to the parents of a child under ^{F25}subsection (2) of that section) to record the child.]

Textual Amendments

F25 Words substituted by [Education \(Scotland\) Act 1981 \(c. 58\)](#), [Sch. 2 Pt. II para. 10](#), [Sch. 8](#)

Savings

5 The repeal by the said Act of 1969 of sections 84 and 87 of the Act of 1962 shall not affect the payment after the commencement of this Act of any pension, gratuity or retiring allowance which was payable by virtue of paragraph 11 of Schedule 4 to the said Act of 1969 immediately before the commencement of this Act.

6 The repeal by the said Act of 1969 of section 94 of the Act of 1962 shall not affect the application of that section to any part of the annual revenue of any scheme, being a part to which that section applied immediately before the commencement of the said Act of 1969.

^{X1}SCHEDULE 4

Section 136(2).

AMENDMENT OF ENACTMENTS

Editorial Information

X1 The text of Sch. 4 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.

1 **F26**

Textual Amendments

F26 [Sch. 4 para. 1](#) repealed by [Foster Children \(Scotland\) Act 1984 \(c. 56, SIF 20\)](#), [s. 22\(3\)](#), [Sch. 3](#)

2 **F27**

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Textual Amendments

F27 Sch. 4 para. 2 repealed by [Mental Health \(Scotland\) Act 1984 \(c. 36, SIF 85\)](#), s. 127(2), [Sch. 5](#)

The Factories Act 1961 (c. 34)

3 In section 176(1) (interpretation), in the definition of “child” for the word “1962” there shall be substituted the word “1980”.

The Public Expenditure and Receipts Act 1968 (c. 14)

4 In Schedule 3 (variation of fees), in paragraph 1(b) for the words “1962 (c. 47) section 99(1)” there shall be substituted the words “1980 (c. 44) section 84(1)”.

The Social Work (Scotland) Act 1968 (c. 49)

5 In section 94(1) (interpretation), in the definition of “school age” for the words “32 of the Education (Scotland) Act 1962” there shall be substituted the words “31 of the Education (Scotland) Act 1980”.

The Sex Discrimination Act 1975 (c. 65)

6 In section 22 (discrimination by bodies in charge of educational establishments), in paragraph 7 of the Table for the words “75(c) or (d) of the Education (Scotland) Act 1962” there shall be substituted the words “73(c) or (d) of the Education (Scotland) Act 1980”.

7 In section 23(2) (other discrimination by education authorities), for the words “Acts 1939 to 1980” there shall be substituted the words “Act 1980”.

8 In section 25 (general duty in public sector of education)—

- (a) in subsection (3) for the words “71 of the Education (Scotland) Act 1962” and “said section 71” there shall be substituted respectively the words “70 of the Education (Scotland) Act 1980” and “said section 70”;
- (b) in subsection (5) for the words “68 of the Education (Scotland) Act 1962” there shall be substituted the words “67 of the Education (Scotland) Act 1980”.

9 In section 79 (educational endowments to which Part VI of the Education (Scotland) Act 1962 applies)—

- (a) for any reference to Part VI of the Act of 1962 there shall be substituted a reference to Part VI of this Act.
- (b) in subsections (1)(b) and (4) for the references to sections 121(1) and 68 of the Act of 1962 there shall be substituted respectively references to sections 108(1) and 67 of this Act.

10 In section 81(3)(b) (orders), for the words “128 of the Education (Scotland) Act 1962” there shall be substituted the words “115 of the Education (Scotland) Act 1980”.

11 In section 82(1) (interpretation), in the definition of “education authority”, “educational establishment”, “further education”, “independent school”, “managers”, “proprietor”, “school” and “school education” for the respective

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references to subsections (16), (17), (21), (23), (26), (37), (42) and (43A) of section 145 of the Education (Scotland) Act 1962 there shall be substituted references to section 135(1) of the Education (Scotland) Act 1980.

The Race Relations Act 1976 (c. 74)

- 12 In section 17 (discrimination by bodies in charge of educational establishments), in paragraph 7 of the Table for the words “75(c) or (d) of the Education (Scotland) Act 1962” there shall be substituted the words “73(c) or (d) of the Education (Scotland) Act 1980.”.
- 13 In section 18(2) (discrimination by education authorities), for the words “Acts 1939 to 1980” there shall be substituted the words “Act 1980”.
- 14 In section 19 (general duty in public sector of education)—
- (a) in subsection (3) for the words “71 of the Education (Scotland) Act 1962” and “said section 71” there shall be substituted respectively the words “70 of the Education (Scotland) Act 1980” and “said section 70”;
 - (b) in subsection (5) for the words “68 of the Education (Scotland) Act 1962” there shall be substituted the words “67 of the Education (Scotland) Act 1980”.
- 15 In section 78(1) (interpretation), in the definitions of “education authority”, “educational establishment”, “further education”, “independent school”, “managers”, “proprietor”, “school” and “school education” for the respective references to subsections (16), (17), (21), (23), (26), (37), (42) and (43A) of section 145 of the Education (Scotland) Act 1962 there shall be substituted references to section 135(1) of the Education (Scotland) Act 1980.

The National Health Service (Scotland) Act 1978 (c. 29)

- 16 In section 15(1)(f) (supply of goods and services to local authorities etc.), for the words “5 of the Education (Scotland) Act 1962” there shall be substituted the words “1(5)(c) of the Education (Scotland) Act 1980”.
- 17 In section 39(5) (medical and dental health inspection, supervision and treatment of pupils and young persons), for “1962” there shall be substituted “1980”.
- 18 In section 108(1) in the definitions of “education authority” and “full-time education in a school” for “1962” there shall be substituted “1980”.
- 19 In paragraph 10(b) of Schedule 15 (saving of amendments), for “154” there shall be substituted “155”.

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X²SCHEDULE 5

Section 136(3).

ENACTMENTS REPEALED

Editorial Information

X2 The text of Sch. 5 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
10 & 11 Eliz. 2. c. 47.	The Education (Scotland) Act 1962.	The whole Act except sections 136 and 137, subsections (7), (16), (18), (19), (33) and (42) of section 145, section 149(1) and (2) and section 148(2) and Schedule 9 so far as they relate to section 136.
1963 c. 21.	The Education (Scotland) Act 1963.	The whole Act.
1964 c. 16.	The Industrial Training Act 1964.	Section 16.
1964 c. 82.	The Education Act 1964.	Section 5.
1967 c. 36.	The Remuneration of Teachers (Scotland) Act 1967.	The whole Act.
1967 c. 80.	The Criminal Justice Act 1967.	Part I of Schedule 3 so far as relating to amendments of the Education (Scotland) Act 1962.
1968 c. 49.	The Social Work (Scotland) Act 1968.	Schedule 8 so far as relating to the Education (Scotland) Act 1962.
1969 c. 49.	The Education (Scotland) Act 1969.	The whole Act.
1970 c. 44.	The Chronically Sick and Disabled Persons Act 1970.	Sections 25 to 27.
1971 c. 42.	The Education (Scotland) Act 1971.	The whole Act.
1972 c. 11.	The Superannuation Act 1972.	In Schedule 6, paragraph 42.
1973 c. 23.	The Education (Work Experience) Act 1973.	The whole Act.
1973 c. 50.	The Employment and Training Act 1973.	Sections 8, 9 and 10.

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1973 c. 59.	The Education (Scotland) Act 1973.	The whole Act.
1973 c. 65.	The Local Government (Scotland) Act 1973.	Section 129. Schedule 11.
1975 c. 65.	The Sex Discrimination Act 1975.	Section 79(6).
1975 c. 71.	The Employment Protection Act 1975.	In Schedule 16, in Part IV, paragraphs 9 and 12.
1976 c. 20.	The Education (Scotland) Act 1976.	The whole Act.
1976 c. 65.	The Retirement of Teachers (Scotland) Act 1976.	The whole Act.
1977 c. 45.	The Criminal Law Act 1977.	Schedule 6 so far as relating to the Education (Scotland) Act 1962.
1978 c. 29.	The National Health Service (Scotland) Act 1978.	In Schedule 15, in paragraph 10(b) the words “126, 127”. In Schedule 16, paragraphs 15 to 18.
1980 c. 20.	The Education Act 1980.	Section 20. Section 23. Section 25. Section 31(5)-(6). Section 33(2). Sections 35, 37 and 38.

SCHEDULE 6

Section 137(3).

POSTPONEMENT OF THE COMMENCEMENT OF CERTAIN PROVISIONS

1—15. ^{F28}

Textual Amendments

F28 Sch. 6 paras.1–15 repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(2), Sch. 11

[^{F29}16 Section 127(3) and (4).]

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Textual Amendments

F29 Para. 16 added retrospectively by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23\)](#), s. 38

Status:

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Changes to legislation:

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