STATUTORY INSTRUMENTS

1981 No. 1561 (S. 162)

EDUCATION, SCOTLAND

The Education (Placing in Schools—Deemed Decisions) (Scotland) Regulations 1981

Made - - - -	*30th October* 1981
Laid before Parliament	*6th November* 1981
Coming into Operation :	
For the purposes of Regulation 3	*15th February* 1982
For the purposes of Regulation 4	*15th March* 1982

In exercise of the powers conferred on me by sections 28A(5) and 28D(3)(b) of the Education (Scotland) Act 1980(**a**) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Education (Placing in Schools—Deemed Decisions) (Scotland) Regulations 1981 and shall come into operation for the purposes of Regulation 3 on 15th February 1982 and for the purposes of Regulation 4 on 15th March 1982.

Interpretation

2. In these regulations, unless the context otherwise requires:—

(*a*) " the Act " means the Education (Scotland) Act 1980 ;

" appeal committee " means an appeal committee set up and maintained under section 28D(1)(a) of the Act ;

" placing request " means a request made in accordance with section 28A(1) of the Act ;

" reference " means a reference to an appeal committee of a decision of an education authority ;

" school year " means a period of 12 months commencing on 1st August of any year ;

(*b*) references to a parent, as well as references to his child include references to a young person who is a pupil.

Deemed decision of an education authority

3.—(1) Subject to paragraph (2) below, an education authority shall be deemed to have made a decision to refuse a placing request

(**a**) 1980 c. 44; sections 28A(5) and 28D(3) (b) were inserted by section 1 of the Education (Scotland) Act 1981 (c. 58).

(*a*) in the case of a placing request received by them on or before 15th March in any year with respect to a child being placed in the school specified in the placing request at the commencement of the first term of the school year next following the date of making of the request, on 30th April of the first mentioned year ;

(*b*) in any other case of a placing request, on the expiry of the period of 2 months immediately following receipt by the authority of the placing request ;

if, the authority have not before that date or, as the case may be, within that period, informed the parent making the placing request, in writing, of their decision on it in accordance with section 28A(4) of the Act.

(2) This regulation does not apply in relation to a placing request made in respect of a child ascertained as requiring special education in accordance with section 60 of the Act as originally enacted.

Deemed decision of an appeal committee

4. Where with respect to any reference an appeal committee have failed

(*a*) to notify their decision in writing to the parent who made the reference and to the education authority, within the period of 14 days immediately following the conclusion of the hearing or, as the case may be, resumed hearing, of that reference ; or

(*b*) to arrange within a period of 14 days immediately following an adjournment of a hearing, a date for a resumed hearing of the reference ; or

(*c*) to hold a hearing within a period of 2 months immediately following receipt by them of the reference ;

the committee shall be deemed, for the purposes of the Act, to have made a decision confirming the decision of the education authority to refuse the placing request, to which the reference relates, on the expiry of that period of 14 days or, as the case may be, 2 months.

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
30th October 1981.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These regulations make provision for deeming decisions to have been taken by education authorities, or, as the case may be, by appeal committees, where those bodies have not reached a decision in relation to a placing request by the date or within the period prescribed in the regulations.

Regulation 3 prescribes the date by which, or the period on the expiry of which, an education authority will be deemed to have made a decision refusing a parent's placing request.

Regulation 4 makes comparable provision with regard to a reference which has been made by a parent to an appeal committee of an authority's decision refusing a placing request.

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