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PROSPECTIVE

SCHEDULE

Section 11.

AMENDMENTS TO PART 2 OF THE 1996 ORDER RELATING TO THE RIGHTS OF CHILDREN OVER COMPULSORY SCHOOL AGE

1 In Article 7(3) for sub-paragraph (a) substitute—

"(a) the wishes of—

(i) the child, if the child is over compulsory school age, or

(ii) the parent of the child in any other case, or".

2.—(1) Article 7A is amended as follows.

(2) In paragraph (1) for sub-paragraph (a)(iii) substitute—

"(iii) the child, if the child is over compulsory school age, or the parent of the child in any other case; and".

(3) In paragraph (1) for sub-paragraph (c)(iii) substitute—

"(iii) the child, if the child is over compulsory school age, or the parent of the child in any other case.".

(4) In paragraph (3)(b) for "a parent" substitute " a child or (as the case may be) the parent of the child ".

3.—(1) Article 8A is amended as follows.

(2) In the heading after "parent" insert " or child ".

(3) In paragraph (c) for "his parent" substitute " the child or (as the case may be) the child's parent ".

(4) For "inform the child's parent" substitute " inform the child, if the child is over compulsory school age, or the parent of the child in any other case ".

4 In Article 10(3) for "the child's parent" substitute "—

(a) the child, if the child is over compulsory school age, or

(b) the parent of the child in any other case.".

5.—(1) Article 15 is amended as follows.

(2) In paragraph (1) for "the child's parent informing him" substitute " the child (if the child is over compulsory school age) or the parent of the child (in any other case) informing that person ".

(3) In paragraph (1)(d) for "the parent's" substitute "that person's".

(4) In paragraph (4) omit "to the child's parent" and at the end insert "to—

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(a) the child, if the child is over compulsory school age, or

(b) the parent of the child in any other case.”.

(5) In paragraph (6) omit “to the child's parent” and at the end insert “to—

(a) the child, if the child is over compulsory school age, or

(b) the parent of the child in any other case.”.

6 In Article 16(1) for “the child's parent” substitute “ the child (if the child is over compulsory school age) or the parent of the child (in any other case) ”.

7.—(1) Article 17 is amended as follows.

(2) In paragraph (1) for the words “to the child's parent” substitute “to—

(a) the child, if the child is over compulsory school age, or

(b) the parent of the child in any other case.”.

(3) In paragraph (2) for “the child's parent” substitute “ the person to whom the notice is given ”.

(4) In paragraph (2A) for “inform the parent of” substitute “ provide information as to ”.

8.—(1) Article 18 is amended as follows.

(2) In paragraph (1) for the words from the beginning to “Article 16” substitute “ Where the Authority maintains a statement for a child under Article 16, the child (if over compulsory school age) or the parent of the child (in any other case) ”.

(3) In paragraph (2)(a) after “request of” insert “ child or ”.

(4) In paragraph (4)(a) for “the parent” substitute “ the child or (as the case may be) the parent of the child ”.

(5) In paragraph (4)(b) for “the parent” substitute “ that person ”.

9.—(1) Article 18A is amended as follows.

(2) In paragraph (1)(a) for “the parent of a child” substitute “ a person ”.

(3) In paragraph (4)(c) for “the parent's request” substitute “ a request under that paragraph ”.

10.—(1) Article 20 is amended as follows.

(2) In the heading for “child's parent” substitute “ child or parent ”.

(3) In paragraph (1)(a) for the words from “the parent of a child” to “is responsible” substitute “ a child for whom the Authority is responsible (if the child is over compulsory school age) or the parent of the child (in any other case) ”.

(4) In paragraph (3)(a) for “the parent of the child” substitute “ the person who made the request ”.

(5) In paragraph (3)(b) for “the parent” substitute “ that person ”.

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(6) In paragraph (3A) for "inform the parent of" substitute " provide information as to ".

11.—(1) Article 20A is amended as follows.

(2) In paragraph (3) for "the child's parent" substitute " the child (if the child is over compulsory school age) or the parent of the child (in any other case) ".

(3) In paragraph (3)(d) for "the parent's right" substitute " the right of the child or (as the case may be) of the parent ".

(4) In paragraph (7) omit "to the child's parent and to the responsible body which made the request" and at the end insert "to—

(a) the responsible body which made the request; and

(b) the child (if the child is over compulsory school age) or the parent of the child (in any other case).".

(5) In paragraph (8)(a) for "to his parent and to the responsible body which made the request, and" substitute "to—

(i) the responsible body which made the request; and

(ii) the child (if the child is over compulsory school age) or the parent of the child (in any other case), and".

(6) In paragraph (8)(b) for "the parent" substitute " the child or parent to whom the notice is given ".

(7) For paragraph (9) substitute—

"(9) A notice given to a person under paragraph (8)(a)(ii) shall—

(a) provide information as to the person's right of appeal, and

(b) contain such other information (if any) as may be prescribed.".

12.—(1) Article 21A is amended as follows.

(2) For the heading and paragraph (1) substitute—

"Advice and information

(1) The Authority shall arrange for—

(a) a child who has special educational needs,

(b) the parent of any child with special educational needs,

to be provided with advice and information about matters relating to those needs.".

(3) In paragraph (3)(a) for "parents of children" substitute " persons who are mentioned in that paragraph ".

(4) At the end insert—

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"(4) Where the Authority gives notice under a provision listed in paragraph (5) to a child who is over compulsory school age but under the age of 18, the Authority shall at the same time inform the parent of the child of that fact in writing and provide the parent with a copy of the notice.

(5) The provisions are—

(a) Article 15(1), (4)(a) and (6)(a);

(b) Article 17(1)(a);

(c) Article 19(1A)(a);

(d) Article 20(3)(a);

(e) Article 20A(3), (7)(b) and (8)(a)(ii);

(f) in Schedule 1, paragraphs 3(1)(b)(i) and 4(1)(a);

(g) in Schedule 2, paragraphs 4(2), 9(2), 11(3)(a) and 13(2)(a).

(6) Where the Authority serves a document listed in paragraph (7) on a child who is over compulsory school age but under the age of 18, the Authority shall at the same time inform the parent of the child of that fact in writing.

(7) The documents are—

(a) a copy of a proposed statement served under paragraph 2(1)(a) of Schedule 2;

(b) a copy of a proposed amended statement served under paragraph 3(2)(a) of that Schedule;

(c) a copy of an existing statement and an amendment notice served under paragraph 3(4)(a) of that Schedule;

(d) a copy of a statement or amended statement served under paragraph 9(1)(a) of that Schedule.".

13.—(1) Article 21B is amended as follows.

(2) In paragraph (1) for "parents of children" substitute " children over compulsory school age or the parents of other children ".

(3) In paragraph (2) for "the parents of a child" substitute " a child over compulsory school age or the parent of any other child ".

(4) In paragraph (6)(a) for "the parents of children" substitute " children over compulsory school age and the parents of other children ".

(5) In paragraph (7) for "parent" substitute " person ".

14.—(1) Schedule 1 is amended as follows.

(2) In paragraph 3(1)(b) omit "on the parent of the child" and after "information" insert "on—

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(i) the child, if the child is over compulsory school age, or

(ii) the parent of the child in any other case.”.

(3) In paragraph 3(3)(b) for “a child's parent” substitute “ a child or the parent of a child ”.

(4) In paragraph 4(1) omit “on the parent of the child concerned” and at the end insert “on—

(a) the child concerned, if the child is over compulsory school age, or

(b) the parent of the child in any other case.”.

(5) In paragraph 4(2) at the end insert “ and, if the child is over compulsory school age, the child agrees. ”.

(6) In paragraph 4(3)(d) for “parent” substitute “ person on whom it is served ”.

(7) In paragraph 4 for sub-paragraph (3)(e) substitute—

“(e) provide information as to the effect of sub-paragraph (2).”.

15.—(1) Schedule 2 is amended as follows.

(2) In paragraph 2(1) omit “on the parent of the child concerned” and at the end insert “on—

(a) the child concerned, if the child is over compulsory school age, or

(b) the parent of the child in any other case.”.

(3) In paragraph 3(2) omit “on the parent of the child concerned” and at the end insert “on—

(a) the child concerned, if the child is over compulsory school age, or

(b) the parent of the child in any other case.”.

(4) In paragraph 3(4) for the words from “on the parent of the child concerned” to the end substitute “a copy of the existing statement and an amendment notice on—

(a) the child concerned, if the child is over compulsory school age, or

(b) the parent of the child in any other case.”.

(5) In paragraph 4(1) for “parent” substitute “ person ”.

(6) In paragraph 4(2) for “the parent” substitute “ that person ”.

(7) In paragraph 5(1) for “parent” substitute “ person ” and for “his child” substitute “ the child concerned ”.

(8) In paragraph 5(3) for “the parent of the child concerned” substitute “ a person ” and for “his child” substitute “ the child concerned ”.

(9) In paragraph 7(1) and (2) for “parent” substitute “ person ”.

(10) In paragraph 7(3) in the definition of "relevant advice" for "parent" substitute " person " and in the definition of "appropriate person" omit "with the parent".

(11) In paragraph 7(5) omit "on the parent".

(12) In paragraph 9(1) for "on the parent of the child concerned" substitute "on —

(a) the child concerned, if the child is over compulsory school age, or

(b) the parent of the child concerned in any other case.".

(13) In paragraph 9(2) for "the parent" substitute " that person ".

(14) In paragraph 11 for sub-paragraph (1)(a) substitute—

"(a) a statement is maintained for a child and specifies the name of a school or institution;

(aa) the child (if over compulsory school age) or the parent of the child (in any other case) asks the Authority to substitute for that name the name of a grant-aided school specified in the request; and".

(15) In paragraph 11(1)(b)(iii) for "the parent has appealed" substitute " an appeal has been brought ".

(16) In paragraph 11(3)(a) for "the child's parent" substitute " the person who made the request ".

(17) In paragraph 11(3)(b) for "the parent of the child" substitute " that person ".

(18) In paragraph 11(4) for "inform the parent of" substitute " provide information as to ".

(19) In paragraph 11(5)(b) for "by the parent" substitute " in the request under this paragraph ".

(20) In paragraph 13(2)(a) for "to the child's parent" substitute "to—

(a) the child concerned, if the child is over compulsory school age, or

(b) the parent of the child concerned in any other case.".

(21) In paragraph 13(2)(b) for "the parent of the child" substitute " that person ".

(22) In paragraph 13(3) for "inform the parent of" substitute " provide information as to ".

(23) In paragraph 13(5) for "the parent of the child appeals" substitute " an appeal is brought ".

(24) In paragraph 13(6)(a) for "the parent of the child has appealed" substitute " an appeal has been brought ".

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Changes and effects yet to be applied to :

– s. 13 repealed by 2016 c. 8 (N.I.) s. 13(5) (repealed on 23/3/2026)