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STATUTORY INSTRUMENTS

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**1996 No. 274**

**The Education (Northern Ireland) Order 1996**

**PART II**

**CHILDREN WITH SPECIAL EDUCATIONAL NEEDS**

*Special educational provision otherwise than in a grant-aided school*

**Special educational provision otherwise than in a grant-aided school**

**10.**—(1) Subject to paragraphs (2) and (3) and to Articles 11 and 12, a board may arrange for the special educational provision (or any part of it) which any learning difficulty of a child in its area calls for to be made—

- (a) in an institution outside Northern Ireland, or
  - (b) in Northern Ireland otherwise than in a grant-aided school.
- (2) A board shall not make any arrangements under paragraph (1) unless it is satisfied that—
- (a) the interests of the child require such arrangements to be made; and
  - (b) those arrangements are compatible with the efficient use of resources.
- (3) Before making any arrangements under this Article, a board shall consult the child's parent.
- (4) This Article is without prejudice to any other powers of a board.

**Special educational provision in institutions outside Northern Ireland**

**11.**—(1) No person shall so exercise his functions under this Part that the special educational provision (or any part of it) which any learning difficulty of a child calls for is made in an institution outside Northern Ireland unless the institution is one which specialises in providing for children with special needs.

(2) In paragraph (1), “children with special needs” means children who have particular needs which would be special educational needs if those children were in Northern Ireland.

(3) Where a board arranges under Article 10(1)(a) for special educational provision in respect of a child to be made in an institution outside Northern Ireland, the board shall pay—

- (a) the fees charged by the institution;
- (b) the expenses reasonably incurred in maintaining him while he is at the institution or travelling to or from it;
- (c) his reasonable travelling expenses; and
- (d) the expenses reasonably incurred by any person accompanying him while he is travelling or staying at the institution.

**Special educational provision in institutions in Northern Ireland other than grant-aided schools**

**12.**—(1) No person shall so exercise his functions under this Part that the special educational provision (or any part of it) which any learning difficulty of a child calls for is made in an institution in Northern Ireland other than a grant-aided school unless—

- (a) the institution is for the time being approved by the Department under Article 26 as suitable for the admission of children with special educational needs, or
- (b) the Department consents to the child being educated there.

(2) Where a board arranges under Article 10(1)(b) for special educational provision in respect of a child to be made at an independent school in Northern Ireland, the board—

- (a) shall pay the fees payable in respect of the education provided for the child at the school;
- (b) may pay any fees payable in respect of board and lodging provided for the child at the school; and
- (c) may provide transport for the child to facilitate his attendance at the school.

(3) Where a board arranges under Article 10(1)(b) for special education provision in respect of a child to be made at an institution in Northern Ireland other than a school, the board may contribute to the costs of providing education to the child at the institution or assist the institution in the provision of that education, and may in particular—

- (a) pay the fees payable in respect of the education provided for the child at the institution;
- (b) pay any fees payable in respect of board and lodging provided for the child at the institution;
- (c) provide transport for the child to facilitate his attendance at the institution; and
- (d) provide equipment and services to the institution.