

## SCHEDULES

### SCHEDULE 1

Article 15.

#### MAKING OF ASSESSMENTS UNDER ARTICLE 15

##### *Introductory*

1. In this Schedule, “assessment” means an assessment of a child's educational needs under Article 15.

##### *Medical and other advice*

2.—(1) Regulations shall make provision as to the advice which [<sup>F1</sup>the Authority] is to seek in making assessments.

(2) Without prejudice to the generality of sub-paragraph (1), the regulations shall, except in such circumstances as may be prescribed, require [<sup>F1</sup>the Authority] to seek medical, psychological and educational advice and such other advice as may be prescribed.

**F1** Words in Order substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), [Sch. 3 para. 1\(1\)\(a\)](#) (with [Sch. 2 para. 4\(3\)](#), [Sch. 3 para. 1\(2\)](#)); S.R. 2015/35, art. 2(b)

##### *Manner, and timing, of assessments, etc.*

3.—(1) Regulations may make provision—

- (a) as to the manner in which assessments are to be conducted,
- (b) requiring [<sup>F1</sup>the Authority], where, after conducting an assessment in respect of a child for whom a statement is maintained under Article 16, it determines not to amend the statement, to serve on the parent of the child notice giving the prescribed information, and
- (c) in connection with such other matters relating to the making of assessments as the Department considers appropriate.

(2) Sub-paragraph (1)(b) does not apply to a determination made following the service of notice under [<sup>F2</sup> paragraph 3 of Schedule 2 of a proposal to amend the statement.

[  
<sup>F3</sup>(3) Regulations may provide—

- (a) that where [<sup>F1</sup>the Authority] is under a duty under Article 15, 20 or 20A to serve any notice, the duty must be performed within the prescribed period,
- (b) that where [<sup>F1</sup>the Authority] has served a notice under Article 15(1) or 20A(3) on a child's parent, it must decide within the prescribed period whether or not to make an assessment of the child's educational needs,
- (c) that where a request has been made to [<sup>F1</sup>the Authority] under Article 20(1), it must decide within the prescribed period whether or not to comply with the request, and
- (d) that where [<sup>F1</sup>the Authority] is under a duty to make an assessment, the duty must be performed within the prescribed period.

**Changes to legislation:** The Education (Northern Ireland) Order 1996, SCHEDULE 1 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) Provision made under sub-paragraph (3)—
- (a) may be subject to prescribed exceptions, and
  - (b) does not relieve [<sup>F1</sup>the Authority] of the duty to serve a notice, or make a decision or assessment, which has not been served or made within the prescribed period.]]

<b>F1</b>	Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), <b>Sch. 3 para. 1(1)(a)</b> (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)
<b>F2</b>	2005 NI 6
<b>F3</b>	2005 NI 6

### *Attendance at examinations*

4.—(1) Where [<sup>F1</sup>the Authority][<sup>F4</sup> is considering whether to make an assessment, it may serve a notice on the parent of the child concerned requiring the child's attendance for examination in accordance with the provisions of the notice.

(2) The parent of a child examined under this paragraph maybe present at the examination if he so desires.

- (3) A notice under this paragraph shall—
- (a) state the purpose of the examination,
  - (b) state the time and place at which the examination will be held,
  - (c) name an officer of [<sup>F1</sup>the Authority] from whom further information may be obtained,
  - (d) inform the parent that he may submit such information to [<sup>F1</sup>the Authority] as he may wish, and
  - (e) inform the parent of his right to be present at the examination.]

<b>F1</b>	Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), <b>Sch. 3 para. 1(1)(a)</b> (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)
<b>F4</b>	2005 NI 6

### *Offence*

5.—(1) Any parent who fails without reasonable excuse to comply with any requirements of a notice served on him under paragraph 4 commits an offence if the notice relates to a child who is not over compulsory school age at the time stated in it as the time for holding the examination.

(2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**Changes to legislation:**

The Education (Northern Ireland) Order 1996, SCHEDULE 1 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Sch. 1 para. 4(3)(e) substituted by [2016 c. 8 \(N.I.\) Sch. para. 14\(7\)](#)
- Sch. 1 para. 4(2) word inserted by [2016 c. 8 \(N.I.\) Sch. para. 14\(5\)](#)
- Sch. 1 para. 3(1)(b) words omitted by [2016 c. 8 \(N.I.\) Sch. para. 14\(2\)](#)
- Sch. 1 para. 4(1) words omitted by [2016 c. 8 \(N.I.\) Sch. para. 14\(4\)](#)
- Sch. 1 para. 3(3)(b) words substituted by [2016 c. 8 \(N.I.\) Sch. para. 14\(3\)](#)
- Sch. 1 para. 4(3)(d) words substituted by [2016 c. 8 \(N.I.\) Sch. para. 14\(6\)](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 para. 3(1)(b)(i)(ii) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 14\(2\)](#)
- Sch. 1 para. 4(1)(a)(b) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 14\(4\)](#)
- Sch. 2 para. 2(1)(a)(b) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 15\(2\)](#)
- Sch. 2 para. 9(1)(a)(b) and preceding word substituted by [2016 c. 8 \(N.I.\) Sch. para. 15\(12\)](#)
- Sch. 2 para. 13(2)(a)(i)(ii) and preceding word substituted by [2016 c. 8 \(N.I.\) Sch. para. 15\(20\)](#)
- Sch. 2 para. 11(1)(a)(aa) substituted for Sch. 2 para. 11(1)(a) by [2016 c. 8 \(N.I.\) Sch. para. 15\(14\)](#)
- art. 5A inserted by [2016 c. 8 \(N.I.\) s. 1](#)
- art. 6A inserted by [2016 c. 8 \(N.I.\) s. 2](#)
- art. 8(1)(d)-(f) inserted by [2016 c. 8 \(N.I.\) s. 3\(2\)\(c\)](#)
- art. 8(1A)-(1C) inserted by [2016 c. 8 \(N.I.\) s. 3\(3\)](#)
- art. 8(2A) inserted by [2016 c. 8 \(N.I.\) s. 3\(4\)](#)
- art. 8ZA inserted by [2016 c. 8 \(N.I.\) s. 3\(5\)](#)
- art. 10(3)(a)(b) substituted for words by [2016 c. 8 \(N.I.\) Sch. para. 4](#)
- art. 12A inserted by [2016 c. 8 \(N.I.\) s. 4](#)
- art. 14(4A)(4B) inserted by [2016 c. 8 \(N.I.\) s. 5\(3\)](#)
- art. 15(4)(a)(b) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 5\(4\)](#)
- art. 15(6)(a)(b) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 5\(5\)](#)
- art. 17(1)(a)(b) and preceding word substituted for words by [2016 c. 8 \(N.I.\) Sch. para. 7\(2\)](#)
- art. 18A(4)(ba) inserted by [2016 c. 8 \(N.I.\) s. 9\(4\)\(b\)](#)
- art. 19(1A)-(1C) inserted by [2016 c. 8 \(N.I.\) s. 8\(3\)\(a\)](#)
- art. 19(2)(ba) inserted by [2016 c. 8 \(N.I.\) s. 8\(3\)\(b\)\(ii\)](#)
- art. 20A(7)(a)(b) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 11\(4\)](#)
- art. 20A(8)(a)(i)(ii) and preceding word substituted for words by [2016 c. 8 \(N.I.\) Sch. para. 11\(5\)](#)
- art. 21(5)-(10) added by [2016 c. 8 \(N.I.\) s. 9\(2\)](#)
- art. 21A(4)-(7) inserted by [2016 c. 8 \(N.I.\) Sch. para. 12\(4\)](#)
- art. 21B(3A)-(4) substituted for art. 21B(4) by [2016 c. 8 \(N.I.\) s. 10\(2\)](#)
- art. 21C inserted by [2016 c. 8 \(N.I.\) s. 10\(4\)](#)

– art. 21ZA inserted by [2016 c. 8 \(N.I.\) s. 9\(3\)](#)