
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 384

The Education (Special Educational Needs)
Regulations (Northern Ireland) 2005

PART V

REVOCATIONS AND TRANSITIONAL PROVISIONS

Transitional provisions

26.—(1) Subject to the following provisions of this regulation references in these Regulations to anything done under these Regulations shall be read in relation to the times, circumstances or purposes in relation to which a corresponding provision of the 1997 Regulations had effect and so far as the nature of the reference permits as including a reference to that corresponding provision.

(2) Regulations 4 to 9 of the 1997 Regulations shall continue to apply in relation to any assessment where before 1st September 2005 in pursuance of Article 15(4) the board notifies the parent that it has decided to make an assessment.

(3) Where regulations 4 to 9 of the 1997 Regulations continue to apply in relation to any assessment but the board has not before 1st January 2006—

- (a) notified the parent of its decision not to make a statement in accordance with Article 17(1);
- (b) served on the parent a copy of a proposed statement in accordance with paragraph 2 of Schedule 2 to the 1996 Order; or
- (c) served on the parent a copy of a proposed amended statement under paragraph 3 of Schedule 2 to the 1996 Order,

regulations 5 to 10 shall apply in relation to the assessment from 1st January 2006 as if on that date the board had given notice to the parent under Article 15(4) of its decision to make an assessment.

(4) Where in accordance with paragraph (3) regulations 5 to 10 apply in relation to an assessment the board shall obtain advice in accordance with Part II, but advice obtained in accordance with the 1997 Regulations shall be considered to have been obtained under Part II if such advice is appropriate for the purpose of arriving at a satisfactory assessment under that Part.

(5) Where before 1st September 2005 in accordance with Article 15(1) the board has served notice on the child's parent that it proposes to make an assessment but it has not before that date notified the parent under Article 15(1) that it has decided to make the assessment or notified him under Article 15(6) that it has decided not to make the assessment regulation 9A of the 1997 Regulations⁽¹⁾ shall continue to apply for the purpose of any such notification under Article 15(4) or 15(6) only.

(6) Where before 1st September 2005 in accordance with Article 20 a parent has asked the board to arrange for an assessment to be made of his child's educational needs but the board has not before that date notified the parent under Article 15(4) that it has decided to make the assessment or notified him under Article 20(3)(a) that it has decided not to make the assessment, regulation 9A of the 1997

(1) Regulation 9A was inserted by S.R. 1998 No. 217 regulation 2

Regulations shall continue to apply for the purpose of any notification under Article 15(4) or 20(3) (a) only.

(7) Regulations 11 and 12 of the 1997 Regulations shall continue to apply to the making of any statement where before 1st September 2005 the board has served on the parent a copy of a proposed statement in accordance with paragraph 2 of Schedule 2 to the 1996 Order.

(8) Regulation 12 of the 1997 Regulations shall continue to apply in relation to a proposal to amend a statement where a board serves a notice under paragraph 10(1) or 11(2) of Schedule 2 to the 1996 Order before 1st September 2005.

(9) Regulation 13 of the 1997 Regulations shall continue to apply to a review of a statement in respect of which a board serves a notice as required by regulation 14(2) of those Regulations before 1st September 2005.

(10) Regulation 14 of the 1997 Regulations shall continue to apply to a review of a statement in respect of which a board serves a notice as required by regulation 14(2) of those Regulations before 1st September 2005.

(11) Regulation 15 of the 1997 Regulations shall continue to apply to a review in respect of which a board in accordance with regulation 15(3) of those Regulations has before 1st September 2005 invited the attendance of the persons specified in that regulation to a meeting.