

## SCHEDULES

### SCHEDULE 2

#### TRANSITIONAL PROVISIONS

##### *Special educational treatment*

- 2 The following provisions of this Schedule apply in relation to any child for whom, immediately before the commencement of section 7, a local education authority were providing special educational treatment under the principal Act
- 3 The child shall be taken to have special educational needs and the local education authority which arranged the provision of special educational treatment (the "authority") shall be taken to have made an assessment of his educational needs under section 5 and to have formed the opinion, that his special educational needs call for the authority to determine the special educational provision that should be made for him.
- 4 During the period of 12 months beginning with the commencement of section 7 the authority shall not be under the duty imposed by that section to make and maintain a statement of the child's special educational needs.
- 5 A statement made in respect of the child under section 7, but before an assessment of his educational needs is made under section 5, need not give details of the authority's assessment of those needs until such time as an assessment has been made under section 5.
- 6 Until such time as the authority make a statement in respect of the child under section 7 they shall be under a duty to continue to provide the special educational treatment which the child was receiving immediately before the commencement of section 7 unless the child's parent makes suitable arrangements ; but this paragraph shall not require the authority to act in any way which would be incompatible with the provisions of a school attendance order in force under section 37 of the principal Act.
- 7 Section 8 shall not apply in relation to a statement of the child's special educational needs under section 7 unless—
- (a) the special educational provision specified in the statement differs from the special educational treatment which the child was receiving immediately before the commencement of this Schedule (otherwise than to take account of a school attendance order); or
  - (b) an assessment of the child's educational needs has been made under section 5 following the making of the statement.
- 8 Sections 15 and 16 apply, at any time before a statement is made for the child under section 7, as if in each of those sections the following were substituted for paragraph (b) of subsection (1)—

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*Status: This is the original version (as it was originally enacted).*

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“(b) that local education authority were, immediately before the commencement of section 7, providing special educational treatment for that child under the principal Act.”.