



# Education Act 1996

## 1996 CHAPTER 56

### PART IV

#### SPECIAL EDUCATIONAL NEEDS

### CHAPTER I

#### CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

#### *Code of Practice*

#### **313 Code of Practice.**

- (1) The Secretary of State shall issue, and may from time to time revise, a code of practice giving practical guidance in respect of the discharge by local education authorities and the governing bodies of [<sup>F1</sup>maintained schools] of their functions under this Part.
- (2) It shall be the duty of—
  - (a) local education authorities, and such governing bodies, exercising functions under this Part, and
  - (b) any other person exercising any function for the purpose of the discharge by local education authorities, and such governing bodies, of functions under this Part,to have regard to the provisions of the code.
- (3) On any appeal under this Part to the Tribunal, the Tribunal shall have regard to any provision of the code which appears to the Tribunal to be relevant to any question arising on the appeal.
- (4) The Secretary of State shall publish the code as for the time being in force.
- (5) In this Part “the Tribunal” means the [<sup>F2</sup>Special Educational Needs and Disability Tribunal].

*Status: Point in time view as at 01/09/2002.*

*Changes to legislation: Education Act 1996, Cross Heading: Code of Practice is up to date with all changes known to be in force on or before 18 March 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)*

#### **Textual Amendments**

- F1** Words in s. 313(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 72** (with ss. 138(9), 144(6)); S.I. 1999/2323, **art. 2(1), Sch.1**
- F2** Words in s. 313(5) substituted (1.9.2002) by 2001 c. 10, ss. 42(1), 43(3), **Sch. 8 para. 2** (with s. 43(13)); S.I. 2002/2217, **art. 3, Sch. 1 Pt. 1**

### **314 Making and approval of code.**

- (1) Where the Secretary of State proposes to issue or revise a code of practice, he shall prepare a draft of the code (or revised code).
- (2) The Secretary of State shall consult such persons about the draft as he thinks fit and shall consider any representations made by them.
- (3) If he determines to proceed with the draft (either in its original form or with such modifications as he thinks fit) he shall lay it before both Houses of Parliament.
- (4) If the draft is approved by resolution of each House, the Secretary of State shall issue the code in the form of the draft, and the code shall come into effect on such day as the Secretary of State may by order appoint.

**Status:**

Point in time view as at 01/09/2002.

**Changes to legislation:**

Education Act 1996, Cross Heading: Code of Practice is up to date with all changes known to be in force on or before 18 March 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.