



# Education Act 1996

## 1996 CHAPTER 56

### PART IV

#### SPECIAL EDUCATIONAL NEEDS

#### CHAPTER I

#### CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

##### *Introductory*

### **312 Meaning of “special educational needs” and “special educational provision” etc.**

- (1) A child has “special educational needs” for the purposes of this Act if he has a learning difficulty which calls for special educational provision to be made for him.
- (2) Subject to subsection (3) (and except for the purposes of section 15(5)) a child has a “learning difficulty” for the purposes of this Act if—
  - (a) he has a significantly greater difficulty in learning than the majority of children of his age,
  - (b) he has a disability which either prevents or hinders him from making use of educational facilities of a kind generally provided for children of his age in schools within the area of the local education authority, or
  - (c) he is under [<sup>F1</sup>compulsory school age] and is, or would be if special educational provision were not made for him, likely to fall within paragraph (a) or (b) when of <sup>F2</sup>. . . that age.
- (3) A child is not to be taken as having a learning difficulty solely because the language (or form of the language) in which he is, or will be, taught is different from a language (or form of a language) which has at any time been spoken in his home.
- (4) In this Act “special educational provision” means—

*Status: Point in time view as at 01/09/1999.*

*Changes to legislation: Education Act 1996, Cross Heading: Introductory is up to date with all changes known to be in force on or before 16 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)*

- (a) in relation to a child who has attained the age of two, educational provision which is additional to, or otherwise different from, the educational provision made generally for children of his age in schools maintained by the local education authority (other than special schools)<sup>F3</sup> . . . , and
- (b) in relation to a child under that age, educational provision of any kind.

(5) In this Part—

“child” includes any person who has not attained the age of 19 and is a registered pupil at a school;

[<sup>F4</sup>“maintained school” means any community, foundation or voluntary school or any community or foundation special school not established in a hospital.]

#### Textual Amendments

- F1** Words in s. 312(2)(c) substituted (1.8.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 23(a)**; S.I. 1998/386, art. 2, **Sch. 1 Pt. III**
- F2** Words in s. 312(2)(c) repealed (1.8.1998) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 23(b), **Sch. 8**; S.I. 1998/386, art. 2, **Sch. 1 Pt. III**
- F3** Words in s. 312(4)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 71(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F4** Words in s. 312(5) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 71(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**Status:**

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