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**Changes to legislation:** Children and Families Act 2014, Paragraph 59 is up to date with all changes known to be in force on or before 24 May 2023. 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

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## SCHEDULES

### SCHEDULE 3

#### SPECIAL EDUCATIONAL NEEDS: CONSEQUENTIAL AMENDMENTS

##### PART 1

###### AMENDMENTS TO THE EDUCATION ACT 1996

- 59 In section 579 (general interpretation)—
- (a) in subsection (1), after the definition of “education functions” insert—
    - ““EHC plan” means a plan within section 37(2) of the Children and Families Act 2014;”,
  - (b) in subsection (1), after the definition of “school year” insert—
    - ““special educational needs”—
      - (a) in relation to a child or person over compulsory school age but under 25 in the area of a local authority in England, has the meaning given by section 20(1) of the Children and Families Act 2014;
      - (b) in relation to a child in the area of a local authority in Wales, has the meaning given by section 312;    - “special educational provision”—
      - (a) in relation to a person in the area of a local authority in England, has the meaning given by section 21(1) and (2) of the Children and Families Act 2014;
      - (b) in relation to a child in the area of a local authority in Wales, has the meaning given by section 312(4);”,
  - (c) after subsection (1) insert—
    - “(1A) For the purposes of this Act a person is subject to learning difficulty assessment if—
      - (a) an assessment under section 140 of the Learning and Skills Act 2000 (learning difficulty assessments: Wales) has been conducted in respect of the person, or
      - (b) arrangements for such an assessment to be conducted in respect of the person have been made or are required to be made.”, and
  - (d) before subsection (4) insert—
    - “(3A) References in this Act to a person who is “in the area” of a local authority in England do not include a person who is wholly or mainly resident in the area of a local authority in Wales.

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(3B) References in this Act to a person who is “in the area” of a local authority in Wales do not include a person who is wholly or mainly resident in the area of a local authority in England.”

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**Commencement Information**

- II** Sch. 3 para. 59 in force at 1.9.2014 by S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505 and (1.9.2015) by S.I. 2015/1619)

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

- Sch. 3 para. 59(c) omitted by [2018 anaw 2 Sch. 1 para. 6\(s\)](#)
- specified provision(s) amendment to savings and transitional provisions in SI 2014/2270 for commencing SI 2014/889 by [S.I. 2015/1619 art. 3-7](#)
- specified provision(s) amendment to savings and transitional provisions in SI 2014/2270 for commencing SI 2014/889 by [S.I. 2015/505 art. 3-8](#)
- specified provision(s) transitional and savings provisions for commencing SI 2014/889 art. 7(a) by [S.I. 2014/2270 art. 3-30](#)