

SCHEDULE 4

TRANSITIONAL PROVISIONS

6.—(1) This paragraph applies where—

- (a) before 1st September 1994 a local education authority, in accordance with paragraph 6 of Schedule 1 to the 1981 Act, serve notice on the parent of a child, for whom they maintain a statement of special educational needs, of their proposal to amend or to cease to maintain that statement; and
- (b) by a time immediately before that date the local education authority have not informed the parent of their decision on the proposal in accordance with paragraph 6(3) of that Schedule.

(2) In any case to which this paragraph applies—

- (a) paragraph 6 of Schedule 1 to the 1981 Act shall continue to have effect on and after 1st September 1994, and
- (b) paragraphs 9 to 11 of Schedule 10 to the 1981 Act shall not apply,

in relation to any determination of the local education authority to amend or to cease to maintain the statement made in pursuance of that proposal.

(3) Where paragraph 6(4) of Schedule 1 to the 1981 Act has effect by virtue of sub-paragraph (2) above, that paragraph shall have effect as if for the words from “section 8(1)” to the end of that paragraph there were substituted—

“section 170(1) of the Education Act 1993 to appeal against the description in the statement of the authority’s assessment of the child’s special educational needs, the special educational provision specified in the statement or, if no school is named in the statement, that fact”.

(4) For the purposes of any determination under paragraph 6(3) of Schedule 1 to the 1981 Act (as it has effect by virtue of sub-paragraph (2) above), or any appeal under section 170(1) of the Act against any such determination, the local education authority shall be treated as if they were under a duty to maintain the statement, to which the determination relates, by virtue of section 7(1) of the 1981 Act instead of section 168(1) of the Act.