
STATUTORY INSTRUMENTS

1996 No. 710

**The Local Government Changes for England (Education)
(Miscellaneous Provisions) Regulations 1996**

PART 3

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Interpretation of Part 3

9. In this Part—

“the 1993 Act” means the Education Act 1993⁽¹⁾; and

“the 1994 Regulations” means the Education (Special Educational Needs) Regulations 1994⁽²⁾.

Time Limits

10. Where immediately before the reorganisation date anything is required to be done by a transferor authority within a period specified in paragraph (1), (2), (3), or (5) of regulation 11 (time limits regarding proposed assessments of educational needs), paragraph (3) or (5) of regulation 14 (time limits regarding making of statements or amendments of statements of special educational needs) or paragraph (3) of regulation 18 (time limit for notice following transfer of statement) of the 1994 Regulations, that paragraph shall have effect on and after the reorganisation date in relation to the transferee authority as if that period began on the reorganisation date.

11. Where under section 167 of the 1993 Act a transferor authority have made an assessment of the educational needs of a child and immediately before the reorganisation date have not done any of the things mentioned in paragraph (1) or, as the case may be, paragraph (2) of regulation 14 of the 1994 Regulations (time limits following assessments), that paragraph shall have effect on and after the reorganisation date in relation to the transferee authority as if for the reference in that paragraph to two weeks there was substituted a reference to four weeks.

12. Where—

- (a) under paragraph 10(1) of Schedule 10 to the 1993 Act a transferor authority serve a notice on a child’s parent informing him of the authority’s proposal to amend the statement maintained under section 168 of that Act for the child;
- (b) the reorganisation date falls before the expiry of eight weeks from the date on which the notice was served; and
- (c) the authority have not amended that statement before the reorganisation date,

(1) 1993 c. 35.

(2) S.I.1994/1047, amended by S.I. 1994/1251 and 1995/1673.

regulation 14(6) of the 1994 Regulations (time limit for making proposed amendments to statements) shall have effect on and after that date in relation to the transferee authority as if the period mentioned in that regulation began on the reorganisation date.

13. Where—

- (a) under paragraph 11(2) of Schedule 10 to the 1993 Act a transferor authority give notice to the child’s parent that they have determined to cease to maintain the statement maintained under section 168 of that Act for the child;
- (b) the reorganisation date falls before the expiry of four weeks immediately following the period during which the parent may appeal to the Special Educational Needs Tribunal against the determination; and
- (c) the authority have not ceased to maintain the statement before the reorganisation date,

regulation 14(7) of the 1994 Regulations (period during which proposal to cease to maintain statement may not be implemented) shall have effect on and after that date in relation to the transferee authority as if the period mentioned in sub-paragraph (b) of that regulation began on the reorganisation date.

14. Where the period referred to in section 172(5)(b) of the 1993 Act (“the review period”) ends during the period of two months beginning on the reorganisation date (“the transitional period”) and the transferor authority have not completed the review required by that section before the reorganisation date, that section shall have effect on and after that date in relation to the transferee authority as if the review period ended when the transitional period ends.

Notification of transfer of functions

15.—(1) In the case of any child to whom this paragraph applies the transferee authority shall before the expiry of one month beginning on the reorganisation date notify in writing the child’s parent of—

- (a) the transfer to the authority of the functions under Part III of the 1993 Act of the transferor authority; and
- (b) the name of the officer of the authority from whom further information concerning the authority’s functions under that Part with respect to the child may be obtained.

(2) Paragraph (1) applies in the case of any child—

- (a) for whom immediately before the reorganisation date the transferor authority maintain a statement under section 168 or 175 of the 1993 Act;
- (b) on whose parent the transferor authority have served a notice under section 167(1) or 174(2) of the 1993 Act (notice of proposal to make assessment of educational needs) but have not given the notice referred to, in the case of a notice under section 167(1), in section 167(4) or (6) or, in the case of a notice under section 174(2), in section 174(5) or (6);
- (c) in respect of whom the transferor authority have given the notice referred to in section 167(4) or 174(5) of the 1993 Act (notice of decision to make assessment of educational needs) but have not, before the reorganisation date, completed making an assessment pursuant to the notice;
- (d) in respect of whom the transferor authority’s duty under section 167(3), 173(1) or 175(1) of the 1993 Act (duty to make assessment of educational needs) is transferred under a section 17 order to the transferee authority;
- (e) on whose parent the transferor authority have served under paragraph 2 of Schedule 10 to the 1993 Act a copy of a proposed statement under section 168 of that Act but in

respect of whom the transferor authority, immediately before the reorganisation date, did not maintain such a statement.

Appeals to Special Educational Needs Tribunal

16. Where a function the exercise of which by a transferor authority is the subject of an appeal to the Special Educational Needs Tribunal is transferred by a section 17 order, the Special Educational Needs Tribunal Regulations 1994⁽³⁾ and the Special Educational Needs Tribunal Regulations 1995⁽⁴⁾ shall have effect as if in regulation 2, in the definition of “the authority”, the reference to the local education authority which made the disputed decision were a reference to the authority to which the function is transferred.

(3) S.I. 1994/1910. These Regulations are revoked by the Special Educational Needs Tribunal Regulations 1995 (see note (b)) but continue to apply where a notice of appeal was entered in the records under regulation 17(2) before 1st January 1996.

(4) S.I. 1995/3113.