
STATUTORY INSTRUMENTS

2014 No. 2270

**The Children and Families Act 2014 (Transitional
and Saving Provisions) (No. 2) Order 2014**

PART 4

Children etc without statement on commencement: appeals in progress

Appeals against determination to cease to maintain statement

10.—(1) This Article applies if immediately before the commencement date—

- (a) the parent of a child or young person had the right to appeal under paragraph 11 of Schedule 27 to EA 1996 against a determination of a local authority in England to cease to maintain a statement for the child or young person, but had not brought such an appeal, or
- (b) the parent of a child or young person had brought an appeal under paragraph 11 of Schedule 27 to EA 1996 against a determination of a local authority in England to cease to maintain a statement for the child or young person, but the appeal had not finally been determined.

(2) Despite the disapplication by section 81 of and Schedule 3 to the 2014 Act of Chapter 1 of Part 4 of EA 1996 in relation to children in the area of a local authority in England, the old law continues to have effect in relation to the child or young person until the relevant time.

(3) The new law does not have effect in relation to the child or young person until that time.

(4) If no appeal is brought within the period allowed for bringing such appeals, the relevant time is the end of that period.

(5) If an appeal is or has been brought within that period, the relevant time is—

- (a) where the appeal is withdrawn or abandoned, when it is withdrawn or abandoned;
- (b) where, on the final determination of the appeal, it is dismissed, when it is dismissed;
- (c) where, on the final determination of the appeal, the local authority is ordered to continue to maintain the statement, when the old law ceases to apply in relation to the child or young person by virtue of Part 5 of this Order;
- (d) where paragraph (7) applies, when the authority make the determination referred to in that paragraph.

(6) Paragraph (7) applies if on the final determination of the appeal, the local authority is ordered to continue to maintain the statement.

(7) The local authority may, with the consent of the child's parent or the young person, determine that the statement is to have effect as an EHC plan specifying the educational provision specified in the statement.