

Changes to legislation: Education Act 1996, Cross Heading: Procedure for amending or ceasing to maintain a statement is up to date with all changes known to be in force on or before 03 April 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) View outstanding changes

SCHEDULES

SCHEDULE 27

MAKING AND MAINTENANCE OF STATEMENTS UNDER SECTION 324

Procedure for amending or ceasing to maintain a statement

- 9 (1) A ^{F1}[local authority] may not ^{F2}... cease to maintain, a statement except in accordance with paragraph ^{F2}... 11.
- (2) Sub-paragraph (1) does not apply where the ^{F1}[local authority]—
- (a) cease to maintain a statement for a child who has ceased to be a child for whom they are responsible, ^{F3}or]
 - ^{F4}(b)
 - (c) are ordered to cease to maintain a statement under section 326(3)(c), ^{F5}...
 - ^{F6}(d)

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F2** Words in Sch. 27 para. 9(1) repealed (1.1.2002 (E.) and 1.4.2002 (W.)) by [2001 c. 10, ss. 10, 42\(6\)](#), [Sch. 1 para. 16\(g\)](#), [Sch. 9 \(with s. 43\(13\)\)](#); [S.I. 2001/2217, art. 5, Sch. Pt. II](#) (as amended by [S.I. 2001/2614, art. 4](#)); [S.I. 2002/74, art. 5, Sch. Pt. II](#)
- F3** Word in Sch. 27 para. 9(2)(a) inserted (1.1.2002 (E.) and 1.4.2002 (W.)) by [2001 c. 10, s. 10, Sch. 1 para. 16\(h\)\(i\)](#) (with s. 43(13)); [S.I. 2001/2217, art. 5, Sch. Pt. II](#) (as amended by [S.I. 2001/2614, art. 4](#)); [S.I. 2001/3992, art. 5, Sch. Pt. II](#)
- F4** Sch. 27 para. 9(2)(b) omitted (1.1.2002 (E.) and 1.4.2002 (W.)) by virtue of [2001 c. 10, s. 10, Sch. 1 para. 16\(h\)\(ii\)](#) (with s. 43(13)); [S.I. 2001/2217, art. 5, Sch. Pt. II](#), (as amended by [2001/2614, art. 4](#)); [S.I. 2001/3992, art. 5, Sch. Pt. II](#)
- F5** Word in Sch 27 para. 9(2)(c) omitted (1.1.2002 (E.) and 1.4.2002 (W.)) by virtue of [2001 c. 10, s. 10, Sch. 1 para. 16\(h\)\(ii\)](#) (with s. 42(13)); [S.I. 2001/2217, art. 5, Sch. Pt. II](#) (as amended by [S.I. 2001/2614, art. 4](#)); [S.I. 2001/3992, art. 5, Sch. Pt. II](#)
- F6** Sch. 27 para 9(2)(d) omitted (1.1.2002 (E.) and 1.4.2002 (W.)) by virtue of [2001 c. 10, s. 10, Sch. 1 para. 16\(h\)\(ii\)](#) (with s. 42(13)); [S.I. 2001/2217, art. 5, Sch. Pt. II](#) (as amended by [S.I. 2001/2614, art. 4](#)); [S.I. 2001/3992, art. 5, Sch. Pt. II](#)

^{F7}10

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Textual Amendments

F7 Sch. 27 para. 10 repealed (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, ss. 10, 42(6), Sch. 1 para. 17, Sch. 9 (with s. 42(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, art. 5, Sch. Pt. II

- 11 (1) A [F1local authority] may cease to maintain a statement only if it is no longer necessary to maintain it.
- (2) Where the [F1local authority] determine to cease to maintain a statement—
- (a) they shall give [F8notice in writing of that fact] to the parent of the child, and
 - (b) the parent of the child may appeal to the Tribunal against the determination.
- [F9(2A) A notice under sub-paragraph (2)(a) must inform the parent of the right of appeal under sub-paragraph (2)(b) and contain such other information as may be prescribed.]
- [F10(2B) Where the [F1local authority] determine to cease to maintain a statement following a periodic review or a re-assessment review, regulations may provide that a notice under sub-paragraph (2)(a) must be given within the prescribed period beginning with the date of the review.]
- (3) On an appeal under this paragraph the Tribunal may—
- (a) dismiss the appeal, or
 - (b) order the [F1local authority] to continue to maintain the statement in its existing form or with such amendments of—
 - (i) the description in the statement of the authority’s assessment of the child’s special educational needs, or
 - (ii) the special educational provision specified in the statement,
 and such other consequential amendments, as the Tribunal may determine.
- (4) Except where [F11the parent of the child appeals][F11there is an appeal] to the Tribunal under this paragraph, a [F1local authority] may only cease to maintain a statement under this paragraph within the prescribed period beginning with the service of the notice under sub-paragraph (2).
- [F12(5) A [F1local authority] may not, under this paragraph, cease to maintain a statement if—
- (a) [F13the parent of the child has appealed][F13there has been an appeal] under this paragraph against the authority’s determination to cease to maintain the statement, and
 - (b) the appeal has not been determined by the Tribunal or withdrawn.]

Textual Amendments

F1 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), Sch. 2 para. 7(2) (with Sch. 2 para. 7(4)(5))

F8 Words in Sch. 27 para. 11(2)(a) substituted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), Sch. 8 para. 10(1) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, art. 5, Sch. Pt. II

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- F9** Sch. 27 para. 11(2A) inserted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), Sch. 8 para. 10(2) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, art. 5, Sch. Pt. II
- F10** Sch. 27 para. 11(2B) inserted (8.1.2007) by Education and Inspections Act 2006 (c. 40), ss. 174(3)(b), 188(2) (with s. 174(4))
- F11** Words in Sch. 27 para. 11(4) substituted (6.3.2012) by Education (Wales) Measure 2009 (nawm 5), s. 26(3), Sch. para. 5(b) (as amended (5.5.2010) by S.I. 2010/1148, arts. 1, 5(2)); S.I. 2012/320, art. 3(m)
- F12** Sch. 27 para. 11(5) inserted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 6 (with s. 42(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, Sch. Pt. II
- F13** Words in Sch. 27 para. 11(5)(a) substituted (6.3.2012) by Education (Wales) Measure 2009 (nawm 5), s. 26(3), Sch. para. 5(c) (as amended (5.5.2010) by S.I. 2010/1148, arts. 1, 5(2)); S.I. 2012/320, art. 3(m)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)