
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 327

**Education (Special Educational Needs)
Regulations (Northern Ireland) 1997**

Part IV

Revocation and transitional provisions

Revocation

18. Subject to regulation 19, the 1985 Regulations are hereby revoked.

Transitional provisions

19.—(1) Subject to the following provisions of this regulation references in these Regulations to anything done under the 1996 Order or these Regulations shall be read in relation to the times, circumstances or purposes in relation to which a corresponding provision of the 1986 Order or the 1985 Regulations had effect and so far as the nature of the reference permits as including a reference to that corresponding provision.

(2) Regulations 3 to 8 of the 1985 Regulations shall continue to apply in relation to any assessment where before 1st September 1997 in pursuance of paragraph 1(3)(a) of Schedule 11 to the 1986 Order the board notifies the parent that it has decided to make an assessment, and Part II shall not apply in relation to any such assessment.

(3) Where regulations 3 to 8 of the 1985 Regulations continue to apply in relation to any assessment but the board has not before 1st January 1998—

- (a) notified the parent of its decision that it is not required to determine the special educational provision of the child in accordance with paragraph 1(4)(a) of Schedule 11 to the 1986 Order; or
- (b) served on the parent a copy of a proposed statement in accordance with paragraph 5(1) of Schedule 11 to the 1986 Order,

Part II shall apply in relation to the assessment from 1st January 1998 as if on that date the board had given notice to the parent under Article 15(4) of its decision to make an assessment.

(4) Where in accordance with paragraph (3) Part II applies in relation to an assessment the board shall obtain advice in accordance with Part II, but advice obtained in accordance with the 1985 Regulations shall be considered to have been obtained under Part II if such advice is appropriate for the purpose of arriving at a satisfactory assessment under that Part.

(5) Regulation 10 of the 1985 Regulations shall continue to apply to the making of any statement where before 1st January 1998 the board has served on the parent a copy of a proposed statement in accordance with paragraph 5(1) of Schedule 11 to the 1986 Order, and regulations 9 and 10 shall not apply to the making of any such statement.

(6) Regulation 12(1) and (2) shall not apply in relation to a proposal to amend or cease to maintain a statement where a board serves a notice under paragraph 8 of Schedule 11 to the 1986 Order before 1st September 1997.

(7) Regulations 13 to 15 shall not apply to any review of a statement which is required to be completed before 1st December 1997.

(8) Regulations 13 to 15 shall apply to a review of a statement which is not required to be completed before 1st December 1997, but where the statement was made under the 1986 Order they shall apply with any necessary modifications, including the following:

- (a) where the review is the first review to which regulations 13 to 15 apply—
 - (i) the board shall seek advice as to the objectives which the special educational provision for the child should meet rather than as to the child's progress towards meeting the objectives specified in the statement;
 - (ii) the board shall seek advice as to the targets which should be established in furtherance of those objectives rather than as to the child's progress towards attaining any such targets;
 - (iii) where the child has attained the age of 14 years before the date on which the review is commenced, the board shall in any event seek advice as to any matters which are the appropriate subject of a transition plan;
 - (iv) the meeting held in accordance with regulation 13(7), 14(6), or 15(6) shall consider the matters referred to in those regulations as modified by heads (i) to (iii) as appropriate, and shall make recommendations under regulation 13(8), 14(7) or 15(7) but including recommendations as to the objectives referred to in head (i), the targets referred to in head (ii) and where appropriate the transition plan referred to in head (iii); and
 - (v) the board shall review the statement in accordance with regulation 13(12), 14(9) or 15(9), shall make recommendations as to the matters referred to in those regulations read in light of the modifications in this head, shall prepare a transition plan where head (iii) applies, and shall in any event specify the objectives referred to in head (i); and
- (b) where the review is not the first review to which regulations 13 to 15 apply any reference to objectives shall include a reference to objectives specified in accordance with subparagraph (a)(v) in addition to objectives specified in a statement.

(9) Subject to paragraph (10), regulation 12 of the 1985 Regulations shall continue to apply in relation to a transfer on a date before 1st September 1997, and regulation 16 shall not apply in relation to such a transfer.

(10) Notwithstanding paragraph (9), where a statement has been transferred on a date before 1st September 1997 the new board shall review the statement under Article 19(1) before the expiry of whichever of the following two periods expires later—

- (a) the period of twelve months beginning with the making of the statement, or as the case may be, with the previous review; or
- (b) the period ending on 30th November 1997.

(11) Regulation 11 of the 1985 Regulations shall not apply to statements made before or after 1st September 1997 and regulation 17 shall apply, except that a statement may be disclosed for the purposes of any appeal under paragraph 5(9) of Schedule 11 to the 1986 Order as well as for the purposes of any appeal under the 1996 Order.