



Education Act 1993

1993 CHAPTER 35

PART III

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Identification and assessment of children with special educational needs

166 Duty of District Health Authority or local authority to help local education authority

- (1) Where it appears to a local education authority that any District Health Authority or local authority could, by taking any specified action, help in the exercise of any of their functions under this Part of this Act, they may request the help of the authority, specifying the action in question.
- (2) An authority whose help is so requested shall comply with the request unless—
 - (a) they consider that the help requested is not necessary for the purpose of the exercise by the local education authority of those functions, or
 - (b) subsection (3) below applies.
- (3) This subsection applies—
 - (a) in the case of a District Health Authority, if that authority consider that, having regard to the resources available to them for the purpose of the exercise of their functions under the National Health Service Act 1977, it is not reasonable for them to comply with the request, or
 - (b) in the case of a local authority, if that authority consider that the request is not compatible with their own statutory or other duties and obligations or unduly prejudices the discharge of any of their functions.
- (4) Regulations may provide that, where an authority are under a duty by virtue of subsection (2) above to comply with a request to help a local education authority in the making of an assessment under section 167 of this Act or a statement under section 168 of this Act, they must, subject to prescribed exceptions, comply with the request within the prescribed period.

Status: This is the original version (as it was originally enacted).

- (5) In this section, “local authority” means a county council, a metropolitan district council, a London borough council or the Common Council of the City of London.