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SCHEDULES

SCHEDULE 27

Section 324.

MAKING AND MAINTENANCE OF STATEMENTS UNDER SECTION 324

Introductory

- [^{F1}1 In this Schedule—
- “amendment notice” has the meaning given in paragraph 2A,
 - “statement” means a statement under section 324,
 - “periodic review” means a review conducted in accordance with section 328(5)(b), and
 - “re-assessment review” means a review conducted in accordance with section 328(5)(a).]

Textual Amendments

- F1** Sch. 27 para. 1 substituted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 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. 2001/3992, art. 5, **Sch. Pt. II**)

Copy of proposed statement

- [^{F2}2 (1) Before making a statement, a local education authority shall serve on the parent of the child concerned a copy of the proposed statement.
- (2) But that is subject to sub-paragraphs (3) and (4).
 - (3) The copy of the proposed statement shall not specify any prescribed matter.
 - (4) The copy of the proposed statement shall not specify any matter in pursuance of section 324(4).]

Textual Amendments

- F2** Sch. 27 paras. 2-2B substituted for Sch. 27 para. 2 (15.6.2001 for E. for certain purposes and otherwise 1.1.2002 and 8.12.2001 for W. for certain purposes and otherwise 1.4.2002) by 2001 c. 10, s. 10, **Sch. 1 para. 3** (with s. 43(13)); S.I. 2001/2217, arts. 4, 5, **Sch. Pts. I, II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, arts. 4, 5, **Sch. Pts. I, II**)

Amendments to a statement

- [^{F3}2A (1) A local education authority shall not amend a statement except—
- (a) in compliance with an order of the Tribunal,
 - (b) as directed by the Secretary of State under section 442(4), or

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- (c) in accordance with the procedure laid down in this Schedule.
- (2) If, following a re-assessment review, a local education authority propose to amend a statement, they shall serve on the parent of the child concerned a copy of the proposed amended statement.
- (3) Sub-paragraphs (3) and (4) of paragraph 2 apply to a copy of a proposed amended statement served under sub-paragraph (2) as they apply to a copy of a proposed statement served under paragraph 2(1).
- (4) If, following a periodic review, a local education authority propose to amend a statement, they shall serve on the parent of the child concerned—
- (a) a copy of the existing statement, and
 - (b) an amendment notice.
- (5) If, at any other time, a local education authority propose to amend a statement, they shall proceed as if the proposed amendment were an amendment proposed after a periodic review.
- (6) An amendment notice is a notice in writing giving details of the amendments to the statement proposed by the authority.

Textual Amendments

F3 Sch. 27 paras. 2-2B substituted for Sch. 27 para. 2 (15.6.2001 for E. for certain purposes and otherwise 1.1.2002 and 8.12.2001 for W. for certain purposes and otherwise 1.4.2002) by 2001 c. 10, s. 10, **Sch. 1 para. 3** (with s. 43(13)); S.I. 2001/2217, arts. 4, 5, **Sch. Pts. I, II** (as amended by S.I. 2001/2614, **art. 4**); S.I. 2001/3992, arts. 4, 5, **Sch. Pts. I, II**

Provision of additional information

- ^{F4}2B (1) Sub-paragraph (2) applies when a local education authority serve on a parent—
- (a) a copy of a proposed statement under paragraph 2,
 - (b) a copy of a proposed amended statement under paragraph 2A, or
 - (c) an amendment notice under paragraph 2A.
- (2) The local education authority shall also serve on the parent a written notice explaining (to the extent that they are applicable)—
- (a) the arrangements under paragraph 3,
 - (b) the effect of paragraph 4, and
 - (c) the right to appeal under section 326.
- (3) A notice under sub-paragraph (2) must contain such other information as may be prescribed.

Textual Amendments

F4 Sch. 27 paras. 2-2B substituted for Sch. 27 para. 2 (15.6.2001 for E. for certain purposes and otherwise 1.1.2002 and 8.12.2001 for W. for certain purposes and otherwise 1.4.2002) by 2001 c. 10, s. 10, **Sch. 1 para. 3** (with s. 43(13)); S.I. 2001/2217, arts. 4, 5, **Sch. Pts. I, II** (as amended by S.I. 2001/2614, **art. 4**); S.I. 2001/3992, arts. 4, 5, **Sch. Pts. I, II**

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Choice of school

- 3 (1) Every local education authority shall make arrangements for enabling [^{F5}a parent—
- (a) on whom a copy of a proposed statement has been served under paragraph 2,
 - (b) on whom a copy of a proposed amended statement has been served under paragraph 2A, or
 - (c) on whom an amendment notice has been served under paragraph 2A which contains a proposed amendment about —
 - (i) the type or name of a school or institution, or
 - (ii) the provision made for the child concerned under arrangements made under section 319,
- to be specified in the statement,] to express a preference as to [^{F6}the maintained school] at which he wishes education to be provided for his child and to give reasons for his preference.
- (2) Any such preference must be expressed or made within the period of 15 days beginning—
- (a) with the date on which the written notice mentioned in [^{F7}paragraph 2B] was served on the parent, or
 - (b) if a meeting has (or meetings have) been arranged under paragraph 4(1)(b) or (2), with the date fixed for that meeting (or the last of those meetings).
- (3) Where a local education authority make a statement in a case where the parent of the child concerned has expressed a preference in pursuance of such arrangements as to the school at which he wishes education to be provided for his child, they shall specify the name of that school in the statement unless—
- (a) the school is unsuitable to the child's age, ability or aptitude or to his special educational needs, or
 - (b) the attendance of the child at the school would be incompatible with the provision of efficient education for the children with whom he would be educated or the efficient use of resources.
- (4) ^{F8}

Textual Amendments

- F5** Words in Sch. 27 para. 3(1) substituted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 4** (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**
- F6** Words in Sch. 27 para 3(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 186(2)(a)**(with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F7** Words in Sch. 27 para 3(2) substituted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 5** (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**
- F8** Sch. 27 para. 3(4) repealed (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, ss. 10, 42(6), Sch. 1 para. 6, 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**

Modifications etc. (not altering text)

- C1** Sch. 27 para. 3 excluded (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 36(5) (e)(10)**, 162 (with s. 159)

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Consultation on specifying name of school in statement

- [^{F9}3A (1) Sub-paragraph (2) applies if a local education authority are considering—
- (a) specifying the name of a maintained school in a statement, or
 - (b) amending a statement—
 - (i) if no school was specified in the statement before the amendment, so that a maintained school will be specified in it,
 - (ii) if a school was specified in the statement before the amendment, so that a different school, which is a maintained school, will be specified in it.
- (2) The local education authority shall—
- (a) serve a copy of the proposed statement or amended statement, or of the existing statement and of the amendment notice, on each affected body, and
 - (b) consult each affected body.
- (3) “Affected body” means—
- (a) the governing body of any school which the local education authority are considering specifying; and
 - (b) if a school which the local education authority are considering specifying is maintained by another local education authority, that authority.]

Textual Amendments

- F9** Sch. 27 para. 3A inserted (1.1.2002 (E.) 1.4.2002 (W.)) by 2001 c. 10, s. 10 Sch. 1 para. 7 (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

Representations

- 4 (1) A parent on whom a copy of a proposed statement has been served under paragraph 2 [^{F10}, or on whom a proposed amended statement or an amendment notice has been served under paragraph 2A,] may—
- (a) make representations (or further representations) to the local education authority about the content of the [^{F11}proposed statement or the statement as it will have effect if amended in the way proposed by the authority], and
 - (b) require the authority to arrange a meeting between him and an officer of the authority at which the [^{F11}proposed statement or the statement as it will have effect if amended in the way proposed by the authority] can be discussed.
- (2) Where a parent, having attended a meeting arranged by a local education authority under sub-paragraph (1)(b) [^{F12}in relation to—
- (c) a proposed statement, or
 - (d) an amendment proposed following a re-assessment review,]
- disagrees with any part of the assessment in question, he may require the authority to arrange such meeting or meetings as they consider will enable him to discuss the relevant advice with the appropriate person or persons.
- (3) In this paragraph—

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“relevant advice” means such of the advice given to the authority in connection with the assessment as they consider to be relevant to that part of the assessment with which the parent disagrees, and

“appropriate person” means the person who gave the relevant advice or any other person who, in the opinion of the authority, is the appropriate person to discuss it with the parent.

- (4) Any representations under sub-paragraph (1)(a) must be made within the period of 15 days beginning—
 - (a) with the date on which the written notice mentioned in [F13 paragraph 2B] was served on the parent, or
 - (b) if a meeting has (or meetings have) been arranged under sub-paragraph (1) (b) or (2), with the date fixed for that meeting (or the last of those meetings).
- (5) A requirement under sub-paragraph (1)(b) must be made within the period of 15 days beginning with the date on which the written notice mentioned in [F14 paragraph 2B] was served on the parent.
- (6) A requirement under sub-paragraph (2) must be made within the period of 15 days beginning with the date fixed for the meeting arranged under sub-paragraph (1)(b).

Textual Amendments

- F10** Words in Sch. 27 para. 4(1) inserted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 8(a)** (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**
- F11** Words in Sch. 27 para. 4(1)(a)(b) substituted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 8(b)** (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**
- F12** Sch. 27 para. 4(2)(c)(d) inserted (1.1.2002 (E.), 1.4.2002 (W.)) by virtue of 2001 c. 10, s. 10, **Sch. 1 para 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. 2001/3992, art. 5, **Sch. Pt. II**
- F13** Words in Sch. 27 para. 4(4)(a) substituted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 10** (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**
- F14** Words in Sch. 27 para. 4(5) substituted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 10** (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**

Making the statement

- 5 (1) Where representations are made to a local education authority under paragraph 4(1)(a), the authority shall not make [F15 or amend] the statement until they have considered the representations and the period or the last of the periods allowed by paragraph 4 for making requirements or further representations has expired.
- (2) [F16 If a local education authority make a statement, it] may be in the form originally proposed (except as to the matters required to be excluded from the copy of the proposed statement) or in a form modified in the light of the representations.

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- [^{F17}(2A) If a local education authority amend a statement following service of a proposed amended statement under paragraph 2A, the amended statement made may be in the form proposed or in a form modified in the light of the representations.
- (2B) If a local education authority amend a statement following service of an amendment notice, the amendments may be those proposed in the notice or amendments modified in the light of the representations.]
- (3) Regulations may provide that, where a local education authority are under a duty (subject to compliance with the preceding requirements of this Schedule) to make a statement, the duty, or any step required to be taken for performance of the duty, must, subject to prescribed exceptions, be performed within the prescribed period.
- (4) Such provision shall not relieve the authority of the duty to make a statement, or take any step, which has not been performed or taken within that period.

Textual Amendments

- F15** Words in Sch. 27 para. 5(1) inserted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 11** (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**
- F16** Words in Sch. 27 para. 5(2) inserted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 12** (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**
- F17** Sch. 27 para. 5(2A)(2B) inserted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 13** (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**

Service of statement

- [^{F18}6 (1) Where a local education authority make or amend a statement they shall serve a copy of the statement, or the amended statement, on the parent of the child concerned.
- (2) They shall, at the same time, give the parent written notice of his right to appeal under section 326(1) against—
- (a) the description in the statement of the authority's assessment of the child's special educational needs,
 - (b) the special educational provision specified in the statement (including the name of a school specified in the statement), or
 - (c) if no school is named in the statement, that fact.
- (3) A notice under sub-paragraph (2) must contain such other information as may be prescribed.]

Textual Amendments

- F18** Sch. 27 para. 6 substituted (15.6.2001 for E. for certain purposes and otherwise 1.1.2002 and 8.12.2001 for W. for certain purposes and otherwise 1.4.2002) by 2001 c. 10, s. 10, **Sch. 1 para. 14** (with s. 43(13)); S.I. 2001/2217, arts. 4, 5, **Sch. Pts. I, II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, arts. 4, 5, **Sch. Pts. I, II**

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Keeping, disclosure and transfer of statements

- 7
- (1) Regulations may make provision as to the keeping and disclosure of statements.
 - (2) Regulations may make provision, where a local education authority become responsible for a child for whom a statement is maintained by another authority, for the transfer of the statement to them and for Part IV to have effect as if the duty to maintain the transferred statement were their duty.

Change of named school

- 8
- (1) Sub-paragraph (2) applies where—
 - (a) the parent of a child for whom a statement is maintained which specifies the name of a school or institution asks the local education authority to substitute for that name the name of a maintained, grant-maintained or grant-maintained special school specified by the parent, and
 - (b) the request is not made less than 12 months after—
 - (i) an earlier request under this paragraph,
 - (ii) the service of a copy of the statement under paragraph 6,
 - (iii) if the statement has been amended, the date when notice of the amendment is given under paragraph 10(3)(b), or
 - (iv) if the parent has appealed to the Tribunal under section 326 or this paragraph, the date when the appeal is concluded,whichever is the later.
 - (2) The local education authority shall comply with the request unless—
 - (a) the school is unsuitable to the child's age, ability or aptitude or to his special educational needs, or
 - (b) the attendance of the child at the school would be incompatible with the provision of efficient education for the children with whom he would be educated or the efficient use of resources.
 - (3) Where the local education authority determine not to comply with the request—
 - (a) they shall give notice of that fact and of the effect of paragraph (b) below to the parent of the child, and
 - (b) the parent of the child may appeal to the Tribunal against the determination.
 - (4) On the appeal the Tribunal may—
 - (a) dismiss the appeal, or
 - (b) order the local education authority to substitute for the name of the school or other institution specified in the statement the name of the school specified by the parent.
 - (5) Regulations may provide that, where a local education authority are under a duty to comply with a request under this paragraph, the duty must, subject to prescribed exceptions, be performed within the prescribed period.
 - (6) Such provision shall not relieve the authority of the duty to comply with such a request which has not been complied with within that period.

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Procedure for amending or ceasing to maintain a statement

- 9 (1) A local education authority may not ^{F19} . . . cease to maintain, a statement except in accordance with paragraph ^{F19} . . . 11.
- (2) Sub-paragraph (1) does not apply where the local education authority—
- (a) cease to maintain a statement for a child who has ceased to be a child for whom they are responsible, [^{F20}or]
 - ^{F21}(b)
 - (c) are ordered to cease to maintain a statement under section 326(3)(c), ^{F22} . . .
 - ^{F23}(d)

Textual Amendments

- F19** 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
- F20** 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
- F21** 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
- F22** 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
- F23** 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

- [^{F24}10 (1) Before amending a statement, a local education authority shall serve on the parent of the child concerned a notice informing him—
- (a) of their proposal, and
 - (b) of his right to make representations under sub-paragraph (2).
- (2) A parent on whom a notice has been served under sub-paragraph (1) may, within the period of 15 days beginning with the date on which the notice is served, make representations to the local education authority about their proposal.
- (3) The local education authority—
- (a) shall consider any representations made to them under sub-paragraph (2), and
 - (b) on taking a decision on the proposal to which the representations relate, shall give notice in writing to the parent of their decision.
- (4) Where a local education authority make an amendment under this paragraph to the description in a statement of the authority’s assessment of a child’s special educational needs or to the special educational provision specified in a statement, they shall give notice in writing to the parent of his right under section 326(1) to appeal against—

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- (a) the description in the statement of the authority's assessment of the child's special educational needs,
 - (b) the special educational provision specified in the statement, or
 - (c) if no school is named in the statement, that fact.
- (5) A local education authority may only amend a statement under this paragraph within the prescribed period beginning with the service of the notice under sub-paragraph (1).]

Textual Amendments

F24 Sch. 27 para. 10 repealed (1.1.2002 for E., otherwise prosp.) by 2001 c. 10, ss. 10, 42(6), 43(3), 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)

- 11 (1) A local education authority may cease to maintain a statement only if it is no longer necessary to maintain it.
- (2) Where the local education authority determine to cease to maintain a statement—
- (a) they shall give [^{F25}notice 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.
- [^{F26}(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.]
- (3) On an appeal under this paragraph the Tribunal may—
- (a) dismiss the appeal, or
 - (b) order the local education 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 the parent of the child appeals to the Tribunal under this paragraph, a local education 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).
- [^{F27}(5) A local education authority may not, under this paragraph, cease to maintain a statement if—
- (a) the parent of the child has appealed 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

F25 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

F26 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

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F27 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**

Status:

Point in time view as at 01/01/2002.

Changes to legislation:

Education Act 1996, SCHEDULE 27 is up to date with all changes known to be in force on or before 21 March 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.