
Status: Point in time view as at 01/10/2010.

Changes to legislation: Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)



Special Educational Needs and Disability Act 2001

2001 CHAPTER 10

U.K.

An Act to amend Part 4 of the Education Act 1996; to make further provision against discrimination, on grounds of disability, in schools and other educational establishments; and for connected purposes. [11th May 2001]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1 **U.K.**

SPECIAL EDUCATIONAL NEEDS

Mainstream education

1 Education in mainstream schools of children with special educational needs **U.K.**

In the Education Act 1996 (“the 1996 Act”), for section 316 substitute—

“316 Duty to educate children with special educational needs in mainstream schools

- (1) This section applies to a child with special educational needs who should be educated in a school.

Status: Point in time view as at 01/10/2010.

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- (2) If no statement is maintained under section 324 for the child, he must be educated in a mainstream school.
- (3) If a statement is maintained under section 324 for the child, he must be educated in a mainstream school unless that is incompatible with—
 - (a) the wishes of his parent, or
 - (b) the provision of efficient education for other children.
- (4) In this section and section 316A “mainstream school” means any school other than—
 - (a) a special school, or
 - (b) an independent school which is not—
 - (i) a city technology college,
 - (ii) a city college for the technology of the arts, or
 - (iii) a city academy.

316A Education otherwise than in mainstream schools

- (1) Section 316 does not prevent a child from being educated in—
 - (a) an independent school which is not a mainstream school, or
 - (b) a school approved under section 342,
 if the cost is met otherwise than by a local education authority.
- (2) Section 316(2) does not require a child to be educated in a mainstream school during any period in which—
 - (a) he is admitted to a special school for the purposes of an assessment under section 323 of his educational needs and his admission to that school is with the agreement of—
 - (i) the local education authority,
 - (ii) the head teacher of the school or, if the school is in Wales, its governing body,
 - (iii) his parent, and
 - (iv) any person whose advice is to be sought in accordance with regulations made under paragraph 2 of Schedule 26;
 - (b) he remains admitted to a special school, in prescribed circumstances, following an assessment under section 323 at that school;
 - (c) he is admitted to a special school, following a change in his circumstances, with the agreement of—
 - (i) the local education authority,
 - (ii) the head teacher of the school or, if the school is in Wales, its governing body, and
 - (iii) his parent;
 - (d) he is admitted to a community or foundation special school which is established in a hospital.
- (3) Section 316 does not affect the operation of—
 - (a) section 348, or
 - (b) paragraph 3 of Schedule 27.
- (4) If a local education authority decide—

Status: Point in time view as at 01/10/2010.

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- (a) to make a statement for a child under section 324, but
 - (b) not to name in the statement the school for which a parent has expressed a preference under paragraph 3 of Schedule 27,
- they shall, in making the statement, comply with section 316(3).
- (5) A local education authority may, in relation to their mainstream schools taken as a whole, rely on the exception in section 316(3)(b) only if they show that there are no reasonable steps that they could take to prevent the incompatibility.
 - (6) An authority in relation to a particular mainstream school may rely on the exception in section 316(3)(b) only if it shows that there are no reasonable steps that it or another authority in relation to the school could take to prevent the incompatibility.
 - (7) The exception in section 316(3)(b) does not permit a governing body to fail to comply with the duty imposed by section 324(5)(b).
 - (8) An authority must have regard to guidance about section 316 and this section issued—
 - (a) for England, by the Secretary of State,
 - (b) for Wales, by the National Assembly for Wales.
 - (9) That guidance shall, in particular, relate to steps which may, or may not, be regarded as reasonable for the purposes of subsections (5) and (6).
 - (10) “Prescribed”, in relation to Wales, means prescribed in regulations made by the National Assembly for Wales.
 - (11) “Authority”—
 - (a) in relation to a maintained school, means each of the following—
 - (i) the local education authority,
 - (ii) the school’s governing body, and
 - (b) in relation to a maintained nursery school or a pupil referral unit, means the local education authority.”

Commencement Information

- II** S. 1 not in force at Royal Assent see s. 43(3); s. 1 in force for specified purposes for E. at 15.6.2001 and in force to the extent not already in force for E. at 1.1.2002 by [S.I. 2001/2217](#), arts. 4, 5, Sch. Pts. I, II (as amended by [S.I. 2001/2614](#), art. 4); s. 1 in force for specified purposes for W. at 21.1.2002 and in force in so far as not already in force for W. at 1.4.2002 by [S.I. 2002/74](#), arts. {4},{5}, Sch. Pts. I, II

General duties of local education authorities

2 Advice and information for parents **U.K.**

In the 1996 Act, insert the following section—

Status: Point in time view as at 01/10/2010.

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“ General duties of local education authorities

332A Advice and information for parents

- (1) A local education authority must arrange for the parent of any child in their area with special educational needs to be provided with advice and information about matters relating to those needs.
- (2) In making the arrangements, the authority must have regard to any guidance given—
 - (a) for England, by the Secretary of State,
 - (b) for Wales, by the National Assembly for Wales.
- (3) The authority must take such steps as they consider appropriate for making the services provided under subsection (1) known to—
 - (a) the parents of children in their area,
 - (b) the head teachers and proprietors of schools in their area, and
 - (c) such other persons as they consider appropriate.”

Commencement Information

- I2** S. 2 not in force at Royal Assent see s. 43(3); s. 2 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); s. 2 in force for W. at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. II](#)

3 Resolution of disputes U.K.

In the 1996 Act, insert the following section—

“332B Resolution of disputes

- (1) A local education authority must make arrangements with a view to avoiding or resolving disagreements between authorities (on the one hand) and parents of children in their area (on the other) about the exercise by authorities of functions under this Part.
- (2) A local education authority must also make arrangements with a view to avoiding or resolving, in each relevant school, disagreements between the parents of a relevant child and the proprietor of the school about the special educational provision made for that child.
- (3) The arrangements must provide for the appointment of independent persons with the function of facilitating the avoidance or resolution of such disagreements.
- (4) In making the arrangements, the authority must have regard to any guidance given—
 - (a) for England, by the Secretary of State,
 - (b) for Wales, by the National Assembly for Wales.
- (5) The authority must take such steps as they consider appropriate for making the arrangements made under subsections (1) and (2) known to—

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- (a) the parents of children in their area,
 - (b) the head teachers and proprietors of schools in their area, and
 - (c) such other persons as they consider appropriate.
- (6) The arrangements cannot affect the entitlement of a parent to appeal to the Tribunal.
- (7) In this section—
- “authorities” means the governing bodies of maintained schools and the local education authority,
 - “relevant child” means a child who has special educational needs and is a registered pupil at a relevant school.
- (8) For the purposes of this section a school is a relevant school in relation to a child if it is—
- (a) a maintained school or a maintained nursery school,
 - (b) a pupil referral unit,
 - (c) a city technology college, a city college for the technology of the arts or a city academy,
 - (d) an independent school named in the statement maintained for the child under section 324, or
 - (e) a school approved under section 342.”

Commencement Information

I3 S. 3 not in force at Royal Assent see s. 43(3); s. 3 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); s. 3 in force for W. at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. II](#)

4 Compliance with orders **U.K.**

In the 1996 Act, insert the following section—

“336A Compliance with orders

- (1) If the Tribunal makes an order, the local education authority concerned must comply with the order before the end of the prescribed period beginning with the date on which it is made.
- (2) Regulations under this section, so far as they relate to Wales, require the agreement of the National Assembly for Wales.”

Commencement Information

I4 S. 4 in force at Royal Assent for specified purposes see s. 43(4)(a); s. 4 in force to the extent not already in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); s. 4 in force to the extent not already in force for W. at 1.4.2002 by [S.I. 2001/3992, art. 5, Sch. Pt. II](#)

Status: Point in time view as at 01/10/2010.

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Appeals

5 Unopposed appeals **U.K.**

In the 1996 Act, insert the following section—

“326A Unopposed appeals

- (1) This section applies if—
 - (a) the parent of a child has appealed to the Tribunal under section 325, 328, 329 or 329A or paragraph 8(3) of Schedule 27 against a decision of a local education authority, and
 - (b) the authority notifies the Tribunal that they have determined that they will not, or will no longer, oppose the appeal.
- (2) The appeal is to be treated as having been determined in favour of the appellant.
- (3) If an appeal is treated as determined in favour of the appellant as a result of subsection (2), the Tribunal is not required to make any order.
- (4) Before the end of the prescribed period, the authority must—
 - (a) in the case of an appeal under section 325, make a statement under section 324 of the child’s educational needs,
 - (b) in the case of an appeal under section 328, 329 or 329A, make an assessment of the child’s educational needs,
 - (c) in the case of an appeal under paragraph 8(3) of Schedule 27 against a determination of the authority not to comply with the parent’s request, comply with the request.
- (5) An authority required by subsection (4)(a) to make a statement under section 324 must maintain the statement under that section.
- (6) Regulations under this section, so far as they relate to Wales, require the agreement of the National Assembly for Wales.”

Commencement Information

- I5** S. 5 in force at Royal Assent for specified purposes see s. 43(4); s. 5 in force to the extent not already in force for E. at 1.1.2002 by [S.I. 2001/2217](#), art. 5, [Sch. Pt. II](#); [S.I. 2001/2614](#), art. 4; s. 5 in force to the extent not already in force for W. at 1.4.2002 by [S.I. 2001/3992](#), art. 5, [Sch. Pt. II](#)

6 Maintenance of statement during appeal **U.K.**

In paragraph 11 of Schedule 27 to the 1996 Act (circumstances in which a local education authority may cease to maintain a statement), after sub-paragraph (4) insert—

- “(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.”

Status: Point in time view as at 01/10/2010.

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Commencement Information

- I6** S. 6 not in force at Royal Assent see s. 43(3); s. 6 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), art. 5, [Sch. Pt. II](#); [S.I. 2001/2614](#), art. 4; s. 6 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), art. 5, [Sch. Pt. II](#)

Identification and assessment of educational needs

7 **Duty to inform parent where special educational provision made** **U.K.**

- (1) In the 1996 Act, insert the following section—

“317A Duty to inform parent where special educational provision made

- (1) This section applies if—
- (a) a child for whom no statement is maintained under section 324 is a registered pupil at—
 - (i) a community, foundation or voluntary school, or
 - (ii) a pupil referral unit,
 - (b) special educational provision is made for him at the school because it is considered that he has special educational needs, and
 - (c) his parent has not previously been informed under this section of special educational provision made for him at the school.
- (2) If the school is a pupil referral unit, the local education authority must secure that the head teacher informs the child’s parent that special educational provision is being made for him at the school because it is considered that he has special educational needs.
- (3) In any other case, the governing body must inform the child’s parent that special educational provision is being made for him there because it is considered that he has special educational needs.”

- (2) After subsection (3) of section 123 of the School Standards and Framework Act 1998 (c. 31) (provision for children with special educational needs), insert—

- “(3A) Subsection (3B) applies if—
- (a) a local education authority or other person providing relevant nursery education for a child makes special educational provision for him because it is considered that he has special educational needs;
 - (b) no statement under section 324 of the Education Act 1996 is maintained for the child; and
 - (c) his parent has not previously been informed under subsection (3B) of the special educational provision made for him.
- (3B) The local education authority or other person concerned must inform the child’s parent that special educational provision is being made for him because it is considered that he has special educational needs.”

Status: Point in time view as at 01/10/2010.

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Commencement Information

- I7** S. 7 not in force at Royal Assent see s. 43(3); s. 7 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); s. 7 in force for W. at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. II](#)

8 **Review or assessment of educational needs at request of responsible body** **U.K.**

In the 1996 Act, insert the following section—

“**329A Review or assessment of educational needs at request of responsible body**

- (1) This section applies if—
 - (a) a child is a registered pupil at a relevant school (whether or not he is a child in respect of whom a statement is maintained under section 324),
 - (b) the responsible body asks the local education authority to arrange for an assessment to be made in respect of him under section 323, and
 - (c) no such assessment has been made within the period of six months ending with the date on which the request is made.
- (2) If it is necessary for the authority to make an assessment or further assessment under section 323, they must comply with the request.
- (3) Before deciding whether to comply with the request, the authority must serve on the child’s parent a notice informing him—
 - (a) that they are considering whether to make an assessment of the child’s educational needs,
 - (b) of the procedure to be followed in making the assessment,
 - (c) of the name of their officer from whom further information may be obtained, and
 - (d) of the parent’s right to make representations, and submit written evidence, to them before the end of the period specified in the notice (“the specified period”).
- (4) The specified period must not be less than 29 days beginning with the date on which the notice is served.
- (5) The authority may not decide whether to comply with the request until the specified period has expired.
- (6) The authority must take into account any representations made, and any evidence submitted, to them in response to the notice.
- (7) If, as a result of this section, a local education authority decide to make an assessment under section 323, they must give written notice to the child’s parent and to the responsible body which made the request, of the decision and of their reasons for making it.
- (8) If, after serving a notice under subsection (3), the authority decide not to assess the educational needs of the child—

Status: Point in time view as at 01/10/2010.

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- (a) they must give written notice of the decision and of their reasons for making it to his parent and to the responsible body which made the request, and
 - (b) the parent may appeal to the Tribunal against the decision.
- (9) A notice given under subsection (8)(a) to the child's parent must—
- (a) inform the parent of his right to appeal, and
 - (b) contain such other information (if any) as may be prescribed.
- (10) On an appeal under subsection (8) the Tribunal may—
- (a) dismiss it, or
 - (b) order the authority to arrange for an assessment to be made in respect of the child under section 323.
- (11) This section applies to a child for whom relevant nursery education is provided as it applies to a child who is a registered pupil at a relevant school.
- (12) “Relevant school” means—
- (a) a maintained school,
 - (b) a maintained nursery school,
 - (c) a pupil referral unit,
 - (d) an independent school,
 - (e) a school approved under section 342.
- (13) “The responsible body” means—
- (a) in relation to a maintained nursery school or a pupil referral unit, the head teacher,
 - (b) in relation to any other relevant school, the proprietor or head teacher, and
 - (c) in relation to a provider of relevant nursery education, the person or body of persons responsible for the management of the provision of that nursery education.
- (14) “Relevant nursery education” has the same meaning as in section 123 of the School Standards and Framework Act 1998, except that it does not include nursery education provided by a local education authority at a maintained nursery school.
- (15) “Prescribed”, in relation to Wales, means prescribed in regulations made by the National Assembly for Wales.”

Commencement Information

- 18** S. 8 not in force at Royal Assent see s. 43(3); s. 8 in force for specified purposes for E. at 15.6.2001 and in force to the extent not already in force for E. at 1.1.2002 by [S.I. 2001/2217](#), arts. 4, 5, Sch. Pts. I, II (as amended by [S.I. 2001/2614](#), art. 4); s. 8 in force for certain purposes for W. at 21.1.2002 and in force in so far as not already in force for W. at 1.4.2002 by [S.I. 2002/74](#), art. {4},{5}, Sch. Pts. I, II

9 Duty to specify named school **U.K.**

In section 324 of the 1996 Act (statement of special educational needs), after subsection (4) insert—

Status: Point in time view as at 01/10/2010.

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“(4A) Subsection (4)(b) does not require the name of a school or institution to be specified if the child’s parent has made suitable arrangements for the special educational provision specified in the statement to be made for the child.”

Commencement Information

I9 S. 9 in force at Royal Assent for specified purposes see s. 43(4)(6); s. 9 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); s. 9 in force for W. at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. II](#)

Amendment of statement of special educational needs

10 Amendment of statement of special educational needs **U.K.**

Schedule 1 makes further provision concerning the rights of parents and others where a statement of special educational needs is amended.

Commencement Information

I10 S. 10 not in force at Royal Assent see s. 43(3); s. 10 in force for specified purposes for E. at 15.6.2001 and in force to the extent not already in force for E. at 1.1.2002 by [S.I. 2001/2217, arts. 4, 5, Sch. Pts. I, II](#); [S.I. 2001/2614, art. 4](#); s. 10 in force for specified purposes for W. at 8.12.2001 and in force to the extent not already in force for W. at 1.4.2002 by [S.I. 2001/3992, arts. 4, 5, Sch. Pts. I, II](#)

PART 2 **E+W+S**

DISABILITY DISCRIMINATION IN EDUCATION

CHAPTER 1 **E+W+S**

SCHOOLS

Duties of responsible bodies

F¹¹11 Discrimination against disabled pupils and prospective pupils **E+W+S**

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Textual Amendments

F1 Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see [S.I. 2010/2317](#), art. 2)

F¹²12 Meaning of “discrimination” **E+W+S**

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Status: Point in time view as at 01/10/2010.

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Textual Amendments

- F1** Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

F1 13 Disabled pupils not to be substantially disadvantaged **E+W+S**

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Textual Amendments

- F1** Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

F1 14 Accessibility strategies and plans **E+W+S**

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Textual Amendments

- F1** Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

F1 15 Accessibility strategies and plans: procedure **E+W+S**

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Textual Amendments

- F1** Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

F1 16 Residual duty of education authorities **E+W+S**

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Textual Amendments

- F1** Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

Enforcement

F1 17 Special Educational Needs and Disability Tribunal **E+W+S**

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Status: Point in time view as at 01/10/2010.

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Textual Amendments

F1 Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F1 18 Jurisdiction and powers of the Tribunal E+W+S

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Textual Amendments

F1 Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F1 19 Procedure E+W+S

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Textual Amendments

F1 Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F1 20 Admissions E+W+S

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Textual Amendments

F1 Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F1 21 Exclusions E+W+S

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Textual Amendments

F1 Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F1 22 Roles of the Secretary of State and the National Assembly E+W+S

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Status: Point in time view as at 01/10/2010.

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Textual Amendments

- F1** Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

F123 Enforcement procedure: Scotland **E+W+S**

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Textual Amendments

- F1** Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

F124 Validity and revision of agreements of responsible bodies **E+W+S**

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Textual Amendments

- F1** Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

F125 Interpretation **E+W+S**

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Textual Amendments

- F1** Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

CHAPTER 2 **E+W+S**

FURTHER AND HIGHER EDUCATION

Duties of responsible bodies

F126 Discrimination against disabled students and prospective students **E+W+S**

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Textual Amendments

- F1** Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

Status: Point in time view as at 01/10/2010.

Changes to legislation: Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)

F1²⁷ Meaning of “discrimination” E+W+S

.....

Textual Amendments

F1 Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F1²⁸ Disabled students not to be substantially disadvantaged E+W+S

.....

Textual Amendments

F1 Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F1²⁹ Further education etc. provided by local education authorities and schools E+W+S

.....

Textual Amendments

F1 Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

Enforcement

F1³⁰ Right of redress E+W+S

.....

Textual Amendments

F1 Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F1³¹ Occupation of premises by educational institutions E+W+S

.....

Textual Amendments

F1 Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

Status: Point in time view as at 01/10/2010.

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F132 **Validity and revision of agreements** **E+W+S**

.....

Textual Amendments

F1 Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F133 **Interpretation** **E+W+S**

.....

Textual Amendments

F1 Ss. 11-33 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

34 **Removal of certain duties of funding bodies** **E+W+S**

- (1) In section 65 of the Further and Higher Education Act 1992 (c. 13) (administration of funds by higher education funding councils), omit subsections (4A) and (4B).
- (2) In section 40 of the Further and Higher Education (Scotland) Act 1992 (c. 37), omit subsections (5) and (6).
- (3) Section 528 of the 1996 Act ceases to have effect.
- ^{F2}(4)
- ^{F2}(5)
- ^{F2}(6)
- ^{F2}(7)
- (8) In section 35 of that Act (conditions imposed on financial resources in Wales), omit subsections (4) and (6).

Textual Amendments

F2 S. 34(4)(5)(6)(7) repealed by 2010 c. 15, Sch. 27 Pt. 1 (as substituted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2**) (see S.I. 2010/2317, art. 2)

Status: Point in time view as at 01/10/2010.

Changes to legislation: Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)

CHAPTER 3 E+W+S

MISCELLANEOUS

F³35 Extension of role of Disability Rights Commission E+W+S

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Textual Amendments

- F3** Ss. 35-37 repealed (1.10.2007) by Equality Act 2006 (c. 3), s. 93(1), **Sch. 4** (with s. 92); S.I. 2007/2603, art. 2(d)

F³36 Codes of practice E+W+S

.....

Textual Amendments

- F3** Ss. 35-37 repealed (1.10.2007) by Equality Act 2006 (c. 3), s. 93(1), **Sch. 4** (with s. 92); S.I. 2007/2603, art. 2(d)

Commencement Information

- I11** S. 36 wholly in force at 1.9.2002; s. 36 not in force at Royal Assent see s. 43(3); s. 36(1) in force for certain purposes and s. 36(2) in force at 1.7.2002 by S.I. 2002/1721, **art. 3, Sch. Pt. 1**; s. 36 in force so far as not already in force at 1.9.2002 by S.I. 2002/2217, **art. 3, Sch. Pt. 1**

F³37 Conciliation for disputes under Part 4 of the 1995 Act E+W+S

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Textual Amendments

- F3** Ss. 35-37 repealed (1.10.2007) by Equality Act 2006 (c. 3), s. 93(1), **Sch. 4** (with s. 92); S.I. 2007/2603, art. 2(d)

F⁴38 Relationship with other Parts of the 1995 Act E+W+S

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Textual Amendments

- F4** Ss. 38-40 repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

F⁴39 Application to the Isles of Scilly E+W+S

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Status: Point in time view as at 01/10/2010.

Changes to legislation: Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)

Textual Amendments

- F4** Ss. 38-40 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

F4 40 Duty of Teacher Training Agency **E+W+S**

.....

Textual Amendments

- F4** Ss. 38-40 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2)

PART 3 **E+W+S**

SUPPLEMENTARY

41 Expenses of Secretary of State **E+W+S**

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums so payable under any other enactment.

Commencement Information

- I12** S. 41 wholly in force at 1.9.2002; s. 41 not in force at Royal Assent see s. 43(3); s. 41 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 2](#); s. 41 in force for W. at 1.4.2002 by [S.I. 2001/3992, art. 5, Sch. Pt. II](#); s. 41 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. Pt. 1](#)

42 Minor amendments and repeals **E+W+S**

- (1) Schedule 8 makes minor and consequential amendments.
- (2) ^{F5}.....
- (3) If, as a result of any other amendment made by Part 1 of that Schedule, a power to make regulations is conferred, that power is exercisable so far as it relates to Wales by the National Assembly for Wales.
- (4) But each of the powers conferred as a result of subsection (3)—
 - (a) is to be treated as if it had been transferred to the National Assembly for Wales by an Order in Council under section 22 of the Government of Wales Act 1998 (c. 38); and
 - (b) that transfer may be revoked by an Order in Council under that section.
- (5) For the purposes of section 22 of the Government of Wales Act 1998, an Order in Council made as a result of subsection (4)(b) is to be treated as if it were revoking a previous Order in Council.

Status: Point in time view as at 01/10/2010.

Changes to legislation: Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)

(6) The repeals set out in Schedule 9 have effect.

Textual Amendments

F5 S. 42(2) repealed (1.9.2003) by [Education Act 2002 \(c. 32\)](#), ss. 195, 215(2), [Sch. 18 para. 16](#), [Sch. 22 Pt. 2](#); S.I. 2002/3185, [art. 6](#)

Commencement Information

I13 S. 42 wholly in force at 1.9.2002; s. 42(1)-(4) in force for specified purposes at Royal Assent, see s. 43(3); s. 42(1) in force for E. for specified purposes at 15.6.2001 and s. 42 in force for E. in so far as not already in force at 1.1.2002 by [S.I. 2001/2217](#), [arts. 4, 5](#), [Sch. Pts. I, II](#); [S.I. 2001/2614](#), [art. 4](#); S. 42(1)(6) in force for W. for specified purposes and s. 42(2)-(4) in force for W. in so far as not already in force at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#); s. 42(1) in force for W. for specified purposes at 21.1.2002 and 1.4.2002 and s. 42(6) in force for W. for specified purposes at 1.4.2002 by [S.I. 2002/74](#), [arts. {4}, {5}](#), [Sch. Pts. I, II](#); s. 42 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), [art. 3](#), [Sch. Pt. 1](#)

43 Short title, interpretation, commencement and extent **E+W+S**

- (1) This Act may be cited as the Special Educational Needs and Disability Act 2001.
- (2) In this Act—
 - “the 1995 Act” means the Disability Discrimination Act 1995 (c. 50); and
 - “the 1996 Act” means the Education Act 1996 (c. 56).
- (3) Except as provided in subsections (4) and (6), this Act (apart from this section) comes into force on such day as the Secretary of State may appoint by order.
- (4) The following provisions of this Act come into force on the day on which it is passed—
 - (a) section 4,
 - (b) section 5,
 - (c) section 9,
 - (d) section 42(2) to (4), and
 - (e) paragraphs 6 to 10, 13(1) to (4) and 14(3) of Schedule 8 (and section 42(1) so far as relating to those provisions),

but only so far as is necessary for enabling the making of any regulations for which they provide.
- (5) Nothing in subsection (4) affects the operation of section 13 of the Interpretation Act 1978 (c. 30) in relation to this Act.
- (6) The following provisions come into force as respects Wales on such day as the National Assembly for Wales may appoint by order—
 - (a) sections 1 to 3;
 - (b) sections 7 and 8;
 - (c) section 9 (so far as not brought into force by subsection (4));
 - (d) sections 14 and 15;
 - (e) section 22, so far as it gives the National Assembly for Wales power to give directions under section 28M(1) or (3) of the 1995 Act or makes provision in relation to such a direction;

Status: Point in time view as at 01/10/2010.

Changes to legislation: Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)

- (f) subsections (1) and (6) of section 42 (but only in so far as they relate to the provisions mentioned in paragraphs (g) to (i));
 - (g) in Part 1 of Schedule 8—
 - (i) paragraphs 1, 5, 11 and 12; and
 - (ii) paragraphs 6 to 10 and 14 (so far as not brought into force by subsection (4));
 - (h) in Part 2 of that Schedule, paragraphs 16 to 18; and
 - (i) in Schedule 9, the entries relating to—
 - (i) the Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33); and
 - (ii) section 325(1) of, and Schedule 27 to, the 1996 Act.
- (7) Different days may be appointed for different provisions and for different purposes.
- (8) An order under this section—
- (a) must be made by statutory instrument; and
 - (b) may contain incidental, supplemental, consequential or transitional provisions and savings.
- (9) Subsection (10) applies to an order bringing any provision made by—
- (a) section 28, or
 - (b) paragraph 2 or 6 of Schedule 5,
- into force.
- (10) The order may, in particular, include provision for the duty imposed by section 28T(1) of the 1995 Act to have effect with such modifications as may be specified in the order for a period which ends—
- (a) on a date so specified; or
 - (b) on the making by the Secretary of State of an order made by statutory instrument bringing the period to an end.
- (11) Amendments made by this Act to the 1996 Act have the same extent as that Act.
- (12) Parts 2 and 3 do not extend to Northern Ireland.
- (13) Nothing in this Act shall impose any charge on the people or on public funds, or vary the amount or incidence of or otherwise alter any such charge in any manner, or affect the assessment, levying, administration or application of any money raised by any such charge.

Subordinate Legislation Made

- P1** S. 43(3) power partly exercised: different dates appointed (E.) for specified provisions and for specified purposes by [S.I. 2001/2217](#), [arts. 4, 5](#), [Sch. Pts. I, II](#) (as amended by [S.I. 2001/2614](#), [art. 4](#))
s. 43(3) power partly exercised: different dates appointed (W.) for specified provisions and specified purposes by [S.I. 2001/3992](#), [arts. 4, 5](#), [Sch. Pts. I, II](#)
- P2** S. 43(3) power partly exercised: 1.7.2002 appointed for specified provisions by [{S.I. 2002/1721}](#), [arts. 3, 4](#)
- P3** S. 43(3) power partly exercised: 30.5.2002 appointed for specified provisions and certain purposes by [{S.I. 2002/1647}](#), [art. 3](#)
- P4** S. 43(3) power partly exercised: 1.9.2002 appointed for specified provisions and specific purposes by [{S.I. 2002/2217}](#), [art. 3](#)

Status: Point in time view as at 01/10/2010.

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P5 S. 43(6)(7) power partly exercised: different dates appointed for specified provisions by {S.I. [2002/74](#)}, art. 4

Status: Point in time view as at 01/10/2010.

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SCHEDULES

SCHEDULE 1 **U.K.**

Section 10.

AMENDMENT TO STATEMENT OF SPECIAL EDUCATIONAL NEEDS

PART 1 **U.K.**

PROCEDURE FOR MAKING AMENDMENT TO STATEMENT OF SPECIAL EDUCATIONAL NEEDS

- 1 Schedule 27 to the 1996 Act (making and maintenance of statement of special educational needs) is amended as follows.

Commencement Information

I14 Sch. 1 para. 1 wholly in force at 1.4.2002; Sch. 1 para. 1 not in force at Royal Assent see s. 43(3); Sch. 1 para. 1 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 1 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

- 2 For paragraph 1 substitute—

“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).”

Commencement Information

I15 Sch. 1 para. 2 wholly in force at 1.4.2002; Sch. 1 para. 2 not in force at Royal Assent see s. 43(3); Sch. 1 para. 2 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 2 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

- 3 For paragraph 2 substitute—

“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).

Status: Point in time view as at 01/10/2010.

Changes to legislation: *Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)*

Amendments to a statement

- 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
 - (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.

Provision of additional information

- 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.”

Commencement Information

I16 Sch. 1 para. 3 wholly in force at 1.4.2002; Sch. 1 para. 3 not in force at Royal Assent see s. 43(3); Sch. 1 para. 3 in force for specified purposes for E. at 15.6.2001 and in force to the extent not already in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [arts. 4, 5](#), [Sch. Pts. I, II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 3 in force for specified purposes for W. at 8.12.2001 and in force to the extent not already in force at 1.4.2002 by [S.I. 2001/3992](#), [arts. 4, 5](#), [Sch. Pts. I, II](#)

Status: Point in time view as at 01/10/2010.

Changes to legislation: Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)

- 4 In paragraph 3, in sub-paragraph (1), for the words from “a parent” to “paragraph 2” substitute “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.”.

Commencement Information

I17 Sch. 1 para. 4 wholly in force at 1.4.2002; Sch. 1 para. 4 not in force at Royal Assent see s. 43(3); Sch. 1 para. 4 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 4 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

- 5 In that paragraph, in sub-paragraph (2), for “paragraph 2(b)” substitute “ paragraph 2B ”.

Commencement Information

I18 Sch. 1 para. 5 wholly in force at 1.4.2002; Sch. 1 para. 5 not in force at Royal Assent see s. 43(3); Sch. 1 para. 5 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 5 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

- 6 In that paragraph omit sub-paragraph (4).

Commencement Information

I19 Sch. 1 para. 6 wholly in force at 1.4.2002; Sch. 1 para. 6 not in force at Royal Assent see s. 43(3); Sch. 1 para. 6 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 6 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

- 7 After that paragraph, insert—

“Consultation on specifying name of school in statement

- 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.

Status: Point in time view as at 01/10/2010.

Changes to legislation: *Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)*

- (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.”

Commencement Information

I20 Sch. 1 para. 7 wholly in force at 1.4.2002; Sch. 1 para. 7 not in force at Royal Assent see s. 43(3); Sch. 1 para. 7 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 1 para. 7 in force for W. at 1.4.2002 by [S.I. 2001/3992, art. 5, Sch. Pt. II](#)

- 8 In paragraph 4, in sub-paragraph (1)—
- (a) after “paragraph 2” insert “, or on whom a proposed amended statement or an amendment notice has been served under paragraph 2A,”;
 - (b) in paragraphs (a) and (b), for “statement” substitute “ proposed statement or the statement as it will have effect if amended in the way proposed by the authority ”.

Commencement Information

I21 Sch. 1 para. 8 wholly in force at 1.4. 2002; Sch. 1 para. 8 not in force at Royal Assent see s. 43(3); Sch. 1 para. 8 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 1 para. 8 in force for W. at 1.4.2002 by [S.I. 2001/3992, art. 5, Sch. Pt. II](#)

- 9 In that paragraph, in sub-paragraph (2), after “sub-paragraph (1)(b)” insert “in relation to—
- (c) a proposed statement, or
 - (d) an amendment proposed following a re-assessment review,”.

Commencement Information

I22 Sch. 1 para. 9 wholly in force at 1.4.2002; Sch. 1 para. 9 not in force at Royal Assent see s. 43(3); Sch. 1 para. 9 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 1 para. 9 in force for W. at 1.4.2002 by [S.I. 2001/3992, art. 5, Sch. Pt. II](#)

- 10 In that paragraph, in sub-paragraphs (4)(a) and (5), for “paragraph 2(b)” substitute “ paragraph 2B ”.

Status: Point in time view as at 01/10/2010.

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Commencement Information

I23 Sch. 1 para. 10 wholly in force at 1.4.2002; Sch. 1 para. 10 not in force at Royal Assent see s. 43(3); Sch. 1 para. 10 in force for E. at 1.1.2002 by S.I. 2001/2217, art. 5, Sch. Pt. II; S.I. 2001/2614, art. 4; Sch. 1 para. 10 in force for W. at 1.4.2002 by S.I. 2001/3992, art. 5, Sch. Pt. II

11 In paragraph 5, in sub-paragraph (1), after “make” insert “ or amend ”.

Commencement Information

I24 Sch. 1 para. 11 wholly in force at 1.4.2002; Sch. 1 para. 11 not in force at Royal Assent see s. 43(3); Sch. 1 para. 11 in force for E. at 1.1.2002 by S.I. 2001/2217, art. 5, Sch. Pt. II; S.I. 2001/2614, art. 4; Sch. 1 para. 11 in force for W. at 1.4.2002 by S.I. 2001/3992, art. 5, Sch. Pt. II

12 In that paragraph, in sub-paragraph (2), for “The statement” substitute “ If a local education authority make a statement, it ”.

Commencement Information

I25 Sch. 1 para. 12 wholly in force at 1.4.2002; Sch. 1 para. 12 not in force at Royal Assent see s. 43(3); Sch. 1 para. 12 in force for E. at 1.1.2002 by S.I. 2001/2217, art. 5, Sch. Pt. II; S.I. 2001/2614, art. 4; Sch. 1 para. 12 in force for W. at 1.4.2002 by S.I. 2001/3992, art. 5, Sch. Pt. II

13 After that sub-paragraph insert—

“(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.”

Commencement Information

I26 Sch. 1 para. 13 wholly in force at 1.4.2002; Sch. 1 para. 13 not in force at Royal Assent see s. 43(3); Sch. 1 para. 13 in force for E. at 1.1.2002 by S.I. 2001/2217, art. 5, Sch. Pt. II; S.I. 2001/2614, art. 4; Sch. 1 para. 13 in force for W. at 1.4.2002 by S.I. 2001/3992, art. 5, Sch. Pt. II

14 For paragraph 6, substitute—

“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

Status: Point in time view as at 01/10/2010.

Changes to legislation: Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)

(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.”

Commencement Information

I27 Sch. 1 para. 14 wholly in force at 1.4.2002; Sch. 1 para. 14 not in force at Royal Assent see s. 43(3); Sch. 1 para. 14 in force for specified purposes for E. at 15.6.2001 and in force to the extent not already in force for E. at 1.1.2002 by [S.I. 2001/2217](#), arts. 4, 5, [Sch. Pts. I, II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 14 in force for specified purposes for W. at 8.12.2001 and in force to the extent not already in force for W. at 1.4.2002 by [S.I. 2001/3992](#), arts. 4, 5, [Sch. Pts. I, II](#)

15 In paragraph 8(1)(b)—
 (e) in sub-paragraph (ii), after “statement” insert “or amended statement”; and
 (f) omit sub-paragraph (iii).

Commencement Information

I28 Sch. 1 para. 15 wholly in force at 1.4.2002; Sch. 1 para. 15 not in force at Royal Assent see s. 43(3); Sch. 1 para. 15 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 15 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

16 In paragraph 9—
 (g) in sub-paragraph (1), omit “amend or” and “10 or”; and
 (h) in sub-paragraph (2)—
 (i) after paragraph (a), insert “or”,
 (ii) omit paragraph (b), the word “or” after paragraph (c) and paragraph (d).

Commencement Information

I29 Sch. 1 para. 16 wholly in force at 1.4.2002; Sch. 1 para. 16 not in force at Royal Assent see s. 43(3); Sch. 1 para. 16 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 16 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

17 Omit paragraph 10.

Commencement Information

I30 Sch. 1 para. 17 wholly in force at 1.4.2002; Sch. 1 para. 17 not in force at Royal Assent see s. 43(3); Sch. 1 para. 17 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), arts. 4, 5, [Sch. Pts. I, II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 17 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

PART 2 U.K.

APPEALS AGAINST AMENDMENTS TO STATEMENT OF SPECIAL EDUCATIONAL NEEDS

18 Section 326 of the 1996 Act is amended as follows.

Status: Point in time view as at 01/10/2010.

Changes to legislation: Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)

Commencement Information

I31 Sch. 1 para. 18 wholly in force at 1.4.2002; Sch. 1 para. 18 not in force at Royal Assent see s. 43(3); Sch. 1 para. 18 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [arts. 4, 5](#), [Sch. Pts. I, II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 18 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

19 For subsection (1) substitute—

“(1) The parent of a child for whom a local education authority maintain a statement under section 324 may appeal to the Tribunal—

- (a) when the statement is first made,
- (b) if an amendment is made to the statement, or
- (c) if, after conducting an assessment under section 323, the local education authority determine not to amend the statement.

(1A) An appeal under this section may be against any of the following—

- (a) the description in the statement of the local education 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 so specified),
- (c) if no school is specified in the statement, that fact.”

Commencement Information

I32 Sch. 1 para. 19 wholly in force at 1.4.2002; Sch. 1 para. 19 not in force at Royal Assent see s. 43(3); Sch. 1 para. 19 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 19 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

20 In subsection (2), for “paragraph 10” substitute “ paragraph 2A ”.

Commencement Information

I33 Sch. 1 para. 20 wholly in force at 1.4.2002; Sch. 1 para. 20 not in force at Royal Assent see s. 43(3); Sch. 1 para. 20 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 20 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

Textual Amendments

F6 Schs. 2-6 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), [art. 1\(2\)](#), [Sch. 2](#) (see [S.I. 2010/2317](#), [art. 2](#))

Status: Point in time view as at 01/10/2010.

Changes to legislation: Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)

^{F6}SCHEDULE 3 **E+W+S** Sections 19(2) and 30(2).

AMENDMENT OF SCHEDULE 3 TO THE 1995 ACT

... ..
... ..

^{F6}SCHEDULE 4 **E+W+S** Section 26(2).

RESPONSIBLE BODIES FOR EDUCATIONAL INSTITUTIONS

...
E+W+S

^{F6}SCHEDULE 5 **E+W+S** Section 29.

MODIFICATIONS OF CHAPTER 2 OF PART 4 OF THE 1995 ACT

...
E+W+S
E+W+S
E+W+S

^{F6} SCHEDULE 6 **E+W+S** Section 31(2).

AMENDMENT OF SCHEDULE 4 TO THE 1995 ACT

...

Status: Point in time view as at 01/10/2010.

Changes to legislation: *Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)*

E+W+S

^{F7}SCHEDULE 7 **E+W+S**

Section 35.

Textual Amendments

F7 Sch. 7 repealed (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), s. 93(1), **Sch. 4** (with s. 92); [S.I. 2007/2603](#), art. 2(d)

SCHEDULE 8 **E+W+S**

Section 42(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1 **E+W+S**

THE 1996 ACT

1 The 1996 Act is amended as follows.

Commencement Information

I34 Sch. 8 para. 1 wholly in force at 1.9.2002; Sch. 8 para. 1 not in force at Royal Assent see s. 43(3); Sch. 8 para. 1 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), art. 5, **Sch. Pt. II**; [S.I. 2001/2614](#), art. 4; Sch. 8 para. 1 in force for W. at 1.4.2002 by [S.I. 2002/74](#), **art. 5**, **Sch. Pt. II**; Sch. 8 para. 1 in force at 1.9.2002 in so far as not already in force by [S.I. 2002/2217](#), **art. 3**, **Sch. 1 Pt. 1**

The re-naming of the Tribunal

2 ^{F8}

Status: Point in time view as at 01/10/2010.

Changes to legislation: Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)

Textual Amendments

F8 Sch. 8 para. 2 repealed (1.9.2003) by [Education Act 2002 \(c. 32\)](#), s. 215(2), **Sch. 22 Pt. 2**; [S.I. 2002/3185](#), **art. 6**

3 In section 333, for subsection (1) substitute—

“(1) The Tribunal shall exercise the jurisdiction conferred on it by this Part.”

4 In paragraph 118(3) of Schedule 37, omit paragraph (d).

Annual reports

F95

Textual Amendments

F9 Sch. 8 para. 5 repealed (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 19 Pt. 4**; [S.I. 2005/2034](#), **art. 5**

Commencement Information

I35 Sch. 8 para. 5 wholly in force at 1.9.2002; Sch. 8 para. 5 not in force at Royal Assent see s. 43(3); Sch. 8 para. 5 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), **art. 5**, **Sch. Pt. II**; [S.I. 2001/2614](#), **art. 4**; Sch. 8 para. 5 in force for W. at 1.4.2002 by [S.I. 2002/74](#), **art. 5**, **Sch. Pt. II**; Sch. 8 para. 5 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), **art. 3**, **Sch. 1 Pt. 1**

Contents and service of notices

6 (1) In section 325 (appeal against decision not to make a statement), in subsection (1), omit “, and of the effect of subsection (2) below,”.

(2) After subsection (2) of that section insert—

“(2A) A notice under subsection (1) must inform the parent of the right of appeal under subsection (2) and contain such other information as may be prescribed.

(2B) Regulations may provide that where a local education authority are under a duty under this section to serve any notice, the duty must be performed within the prescribed period.”

Commencement Information

I36 Sch. 8 para. 6 wholly in force at 1.9.2002; Sch. 8 para. 6 in force at Royal Assent for specified purposes see s. 43(4); Sch. 8 para. 6 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), **art. 5**, **Sch. Pt. II**; [S.I. 2001/2614](#), **art. 4**; Sch. 8 para. 6 in force for W. at 1.4.2002 by [S.I. 2002/74](#), **art. 5**, **Sch. Pt. II**; Sch. 8 para. 6 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), **art. 3**, **Sch. 1 Pt. 1**

7 (1) In section 328 (reviews of educational needs), in subsection (3)(a), for the words from “notice” to “below” substitute “ notice in writing of that fact ”.

(2) After subsection (3) of that section insert—

Status: Point in time view as at 01/10/2010.

Changes to legislation: Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)

“(3A) A notice under subsection (3)(a) must inform the parent of the right of appeal under subsection (3)(b) and contain such other information as may be prescribed.

(3B) Regulations may provide that where a local education authority are under a duty under this section to serve any notice, the duty must be performed within the prescribed period.”

Commencement Information

I37 Sch. 8 para. 7 wholly in force at 1.9.2002; Sch. 8 para. 7 in force for specified purposes at Royal Assent see s. 43(3)(4); Sch. 8 para. 7 in force in so far as not already in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 8 para. 7 in force in so far as not already in force for W. at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. II](#); Sch. 8 para. 7 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. 1 Pt. I](#)

8 (1) In section 329 (assessment of educational needs at request of child’s parent), in subsection (2)(a), for the words from “notice” to “below” substitute “ notice in writing of that fact ”.

(2) After subsection (2) of that section insert—

“(2A) A notice under subsection (2)(a) must inform the parent of the right of appeal under subsection (2)(b) and contain such other information as may be prescribed.”

Commencement Information

I38 Sch. 8 para. 8 wholly in force at 1.9.2002; Sch. 8 para. 8 in force at Royal Assent for specified purposes see s. 43(3)(4); Sch. 8 para. 8 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#) (as amended by [S.I. 2001/2614, art. 4](#)); Sch. 8 para. 8 in force for W. at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. II](#); Sch. 8 para. 8 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. 1 Pt. I](#)

9 (1) In paragraph 8 of Schedule 27 (change of name of school), in sub-paragraph (3)(a), for the words from “notice” to “below” substitute “ notice in writing of that fact ”.

(2) After sub-paragraph (3) of that paragraph insert—

“(3A) A notice under sub-paragraph (3)(a) must inform the parent of the right of appeal under sub-paragraph (3)(b) and contain such other information as may be prescribed.”

Commencement Information

I39 Sch. 8 para. 9 wholly in force at 1.9.2002; Sch. 8 para. 9 in force at Royal Assent for specified purposes see s. 43(3)(4); Sch. 8 para. 9 in force for E. in so far as not already in force at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 8 para. 9 in force for W. in so far as not already in force at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. II](#); Sch. 8 para. 9 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. 1 Pt. I](#)

10 (1) In paragraph 11 of that Schedule (ceasing to maintain a statement), in sub-paragraph (2)(a), for the words from “notice” to “below” substitute “ notice in writing of that fact ”.

Status: Point in time view as at 01/10/2010.

Changes to legislation: Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)

(2) After sub-paragraph (2) of that paragraph insert—

“(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.”

Commencement Information

I40 Sch. 8 para. 10 wholly in force at 1.9.2002; Sch. 8 para. 10 in force for specified purposes at Royal Assent see s. 43(3)(4); Sch. 8 para. 10 in force in so far as not already in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 8 para. 10 in force in so far as not already in force for W. at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. II](#); Sch. 8 para. 10 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

Proposals to make an assessment

11 (1) In section 323(1)(a) (assessment of special educational needs), for “propose” substitute “are considering whether”.

(2) In paragraph 4(1) of Schedule 26 (making of assessments under section 323), for “propose” substitute “are considering whether”.

Commencement Information

I41 Sch. 8 para. 11 wholly in force at 1.9.2002; Sch. 8 para. 11 not in force at Royal Assent see s. 43(3); Sch. 8 para. 11 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 8 para. 11 in force for W. at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. II](#); Sch. 8 para. 11 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

Statements: suitable arrangements made by parents

12 In section 347 (provision for children with special educational needs in independent schools), after subsection (5) insert—

“(5A) But that does not apply to a local education authority deciding, for the purposes of section 324(5), whether a parent has made suitable arrangements.”

Commencement Information

I42 Sch. 8 para. 12 wholly in force at 1.9.2002; Sch. 8 para. 12 not in force at Royal Assent see s. 43(3); Sch. 8 para. 12 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 8 para. 12 in force for W. at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. II](#); Sch. 8 para. 12 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

Procedure regulations

13 (1) Section 336 is amended as follows.

(2) In subsection (2)—

(a) omit paragraph (d); and

Status: Point in time view as at 01/10/2010.

Changes to legislation: *Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)*

(b) in paragraph (g), for “discovery” substitute “ disclosure ”.

(3) After subsection (2), insert—

“(2A) Proceeding before the Tribunal shall be held in private, except in prescribed circumstances.”

(4) In subsection (4), for “that Act” substitute “ that Part ”.

(5) After that subsection, insert—

“(4A) The regulations may make provision for an appeal under this Part to be heard, in prescribed circumstances, with a claim under Chapter 1 of Part 4 of the Disability Discrimination Act 1995.”

Commencement Information

I43 Sch. 8 para. 13 wholly in force at 1.9.2002; Sch. 8 para. 13(1)-(4) in force at Royal Assent for specified purposes see s. 43(4); Sch. 8 para. 13(1)-(4) in force to the extent not already in force for E. at 1.1.2002 by S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); Sch. 8 para. 13(1)-(4) in force to the extent not already in force for W. at 1.4.2002 by S.I. 2001/3992, art. 5, Sch. Pt. II; Sch. 8 para. 13(5) in force at 1.7.2002 by S.I. 2002/1721, art. 3, Sch. Pt. I; Sch. 8 para. 13 in force in so far as not already in force at 1.9.2002 by S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

Time limits with respect to assessments

14 (1) Paragraph 3 of Schedule 26 (manner and timing of assessments under section 323) is amended as follows.

(2) In sub-paragraph (2), for “paragraph 10” substitute “ paragraph 2A ”.

(3) For sub-paragraphs (3) and (4) substitute—

“(3) Regulations may provide—

- (a) that where a local education authority are under a duty under section 323, 329 or 329A to serve any notice, the duty must be performed within the prescribed period,
- (b) that where a local education authority have served a notice under section 323(1) or 329A(3) on a child’s parent, they must decide within the prescribed period whether or not to make an assessment of the child’s educational needs,
- (c) that where a request has been made to a local education authority under section 329(1), they must decide within the prescribed period whether or not to comply with the request, and
- (d) that where a local education authority are under a duty to make an assessment, the duty must be performed within the prescribed period.

(4) Provision made under sub-paragraph (3)—

- (a) may be subject to prescribed exceptions, and
- (b) does not relieve the authority of the duty to serve a notice, or make a decision or assessment, which has not been served or made within the prescribed period.”

Status: Point in time view as at 01/10/2010.

Changes to legislation: Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)

Commencement Information

I44 Sch. 8 para. 14 wholly in force at 1.9.2002; Sch. 8 para. 14(3) in force at Royal Assent for specified purposes see s. 43(4); Sch. 8 para. 14 in force to the extent not already in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#) (as amended by [S.I. 2001/2614, art. 4](#)); Sch. 8 para. 14 in force for specified purposes for W. at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. 2](#) and Sch. 8 para. 14 in force so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

School attendance orders: amendment of statement of special educational needs

- 15 (1) Section 441 (amendment of statement on service of school attendance order) is amended as follows.
- (2) In subsection (3)(a), omit “in accordance with paragraph 10 of Schedule 27”.
- (3) After that subsection, insert—
- “(3A) An amendment to a statement required to be made under subsection (3) (a) shall be treated for the purposes of Schedule 27 as if it were an amendment proposed following a periodic review (within the meaning of that Schedule).”

Commencement Information

I45 Sch. 8 para. 15 wholly in force at 1.9.2002; Sch. 8 para. 15 not in force at Royal Assent see s. 43(3); Sch. 8 para. 15 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 8 para. 15 in force for W. at 1.4.2002 by [S.I. 2001/3992, art. 5, Sch. Pt. II](#); Sch. 8 para. 15 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

PART 2 E+W+S

OTHER ENACTMENTS

The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

- 16 Section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as follows.

Commencement Information

I46 Sch. 8 para. 16 wholly in force at 1.9.2002; Sch. 8 para. 16 not in force at Royal Assent see s. 43(3); Sch. 8 para. 16 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 8 para. 16 in force for W. at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. 2](#); Sch. 8 para. 16 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

- 17 In subsection (1) (requirement to obtain opinion of local authority officer as to whether child is a disabled person)—
- (a) in paragraph (a), omit “under the age of 14”; and
- (b) in paragraph (b)—

Status: Point in time view as at 01/10/2010.

Changes to legislation: *Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)*

- (i) in sub-paragraph (i), for “the first annual review of the statement following the child’s fourteenth birthday” substitute “ a review of the statement prescribed for the purposes of this paragraph ”; and
- (ii) in sub-paragraph (ii), for “that birthday” substitute “ they have carried out the review prescribed for the purposes of sub-paragraph (i) ”.

Commencement Information

I47 Sch. 8 para. 17 wholly in force at 1.9.2002; Sch. 8 para. 17 not in force at Royal Assent see s. 43(3); Sch. 8 para. 17 in force for certain purposes for E. at 15.6.2001 and Sch. 8 para. 17 in force for E. in so far as not already in force at 1.1.2002 by [S.I. 2001/2217](#), arts. 4, 5, [Sch. Pt. I, II](#); [S.I. 2001/2614](#), art. 4; Sch. 8 para. 17 in force for certain purposes for W. at 21.1.2002 and Sch. 8 para. 17 in force in so far as not already in force for W. at 1.4.2002 by [S.I. 2002/74](#), arts. {4}, {5}, Sch. Pts. I, II; Sch. 8 para. 17 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), [art. 3](#), [Sch. 1 Pt. 1](#)

- 18 In subsection (9) (interpretation), after the definition of “establishment of higher or further education” insert—

““prescribed” means prescribed in regulations made—
(a) in relation to England, by the Secretary of State; and
(b) in relation to Wales, by the National Assembly for Wales;”.

Commencement Information

I48 Sch. 8 para. 18 wholly in force at 1.9.2002; Sch. 8 para. 18 not in force at Royal Assent see s. 43(3); Sch. 8 para. 18 in force for certain purposes for E. at 15.6.2001 and Sch. 8 para. 18 in force for E. in so far as not already in force at 1.1.2002 by [S.I. 2001/2217](#), arts. 4, 5, [Sch. Pt. I, II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 8 para. 18 in force for certain purposes for W. at 21.1.2002 and Sch. 8 para. 18 in force in so far as not already in force for W. at 1.4.2002 by [S.I. 2002/74](#), arts. {4}, {5}, Sch. Pts. I, II; Sch. 8 para. 18 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), art. {3}, [Sch. 1 Pt. 1](#)

The Tribunals and Inquiries Act 1992 (c. 53)

- 19 The Tribunals and Inquiries Act 1992 is amended as follows.

- 20 In section 11(1) (appeals from certain tribunals)—
(a) for “15(a), (d) or (e)” substitute “ 15(a) or (d) ”; and
^{F10}(b)

Textual Amendments

F10 Sch. 8 para. 20(b) repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 228\(i\)](#)

- 21 In paragraph 15 of Schedule 1 (bodies subject to the supervision of the Council) omit sub-paragraph (e).
- 22 After paragraph 40A of that Schedule, insert—

Status: Point in time view as at 01/10/2010.

Changes to legislation: *Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)*

“Special educational needs and disability discrimination.	40B. The Special Educational Needs and Disability Tribunal.”
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The School Standards and Framework Act 1998 (c. 31)

23 (1) The School Standards and Framework Act 1998 is amended as follows.

^{F11}(2)

(3) In paragraph 6 of Schedule 5 (duty of adjudicators to have regard to anti-discrimination duties of other bodies)—

- (a) omit “or”, at the end of sub-paragraph (a); and
- (b) after sub-paragraph (b), insert “or

(c) Chapter 1 of Part 4 of the Disability Discrimination Act 1995.”.

(4) In Schedule 30 (minor and consequential amendments), omit paragraph 186(2)(b).

Textual Amendments

F11 Sch. 8 para. 23(2) repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 18 Pt. 3](#); [S.I. 2007/935](#), art. 7(q)

SCHEDULE 9 **E+W+S**

Section 42(6).

REPEALS

Commencement Information

I49 Sch. 9 wholly in force at 1.9.2002; Sch. 9 not in force at Royal Assent see s. 43(3); Sch. 9 in force for specified purposes for E. at 1.1.2002 by [S.I. 2001/2217](#), art. 5, [Sch. Pt. II](#); [S.I. 2001/2614](#), art. 4; Sch. 9 in force for specified purposes for W. at 1.4.2002 by [S.I. 2001/3992](#), art. 5, [Sch. Pt. II](#); Sch. 9 in force for specified purposes for W. at 1.4.2002 by [S.I. 2002/74](#), [art. 5](#); Sch. 9 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), [art. 3](#), [Sch. 1 Pt. 1](#)

Short title and chapter

Extent of repeal

The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)	In section 5(1)(a), the words “under the age of 14”.
The Further and Higher Education Act 1992 (c. 13)	In section 65, subsections (4A) and (4B).
The Further and Higher Education (Scotland) Act 1992 (c. 37)	In section 40, subsections (5) and (6).
The Tribunals and Inquiries Act 1992 (c. 53)	In Schedule 1, paragraph 15(e).
The Disability Discrimination Act 1995 (c. 50)	Section 19(5)(a) to (ab) and (6). Section 29.

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Changes to legislation: *Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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)*

	Section 30(6). Section 31(3). In section 53A(8), the words after first “proceedings”.
The Education Act 1996 (c. 56)	In section 325(1), the words “, and of the effect of subsection (2) below,”. In section 336(2), paragraph (d). In section 441(3)(a), the words “in accordance with paragraph 10 of Schedule 27”. Section 528. In Schedule 27, paragraph 3(4), paragraph 8(1)(b)(iii), in paragraph 9(1), the words “amend, or” and “10 or”, and paragraph 10. In Schedule 37, paragraphs 118(3)(d) and 129.
The Teaching and Higher Education Act 1998 (c. 30)	Section 38.
The School Standards and Framework Act 1998 (c. 31)	In paragraph 8 of Schedule 4, the word “or” after sub-paragraph (a). In paragraph 6 of Schedule 5, the word “or” after sub-paragraph (a). In Schedule 30, paragraph 186(2)(b).
The Disability Rights Commission Act 1999 (c. 17)	In section 6(5), the words “of a court or tribunal”.
The Learning and Skills Act 2000 (c. 21)	In section 6, subsections (4) and (6). In section 35, subsections (4) and (6). In Schedule 9, paragraph 49.

Status:

Point in time view as at 01/10/2010.

Changes to legislation:

Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 10 May 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.