

SCHEDULES

SCHEDULE 3

SPECIAL EDUCATIONAL NEEDS: CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO THE EDUCATION ACT 1996

- 59 In section 579 (general interpretation)—
- (a) in subsection (1), after the definition of “education functions” insert—
 - ““EHC plan” means a plan within section 37(2) of the Children and Families Act 2014;”,
 - (b) in subsection (1), after the definition of “school year” insert—
 - ““special educational needs”—
 - (a) in relation to a child or person over compulsory school age but under 25 in the area of a local authority in England, has the meaning given by section 20(1) of the Children and Families Act 2014;
 - (b) in relation to a child in the area of a local authority in Wales, has the meaning given by section 312;
 - “special educational provision”—
 - (a) in relation to a person in the area of a local authority in England, has the meaning given by section 21(1) and (2) of the Children and Families Act 2014;
 - (b) in relation to a child in the area of a local authority in Wales, has the meaning given by section 312(4);”,
 - (c) after subsection (1) insert—
 - “(1A) For the purposes of this Act a person is subject to learning difficulty assessment if—
 - (a) an assessment under section 140 of the Learning and Skills Act 2000 (learning difficulty assessments: Wales) has been conducted in respect of the person, or
 - (b) arrangements for such an assessment to be conducted in respect of the person have been made or are required to be made.”, and
 - (d) before subsection (4) insert—
 - “(3A) References in this Act to a person who is “in the area” of a local authority in England do not include a person who is wholly or mainly resident in the area of a local authority in Wales.

Status: This is the original version (as it was originally enacted).

(3B) References in this Act to a person who is “in the area” of a local authority in Wales do not include a person who is wholly or mainly resident in the area of a local authority in England.”