

SCHEDULES

SCHEDULE 3

SPECIAL EDUCATIONAL NEEDS: CONSEQUENTIAL AMENDMENTS

PART 2

AMENDMENTS TO OTHER ACTS

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 79 (1) Section 36 of the Nationality, Immigration and Asylum Act 2002 (education of children who are residents of accommodation centres) is amended as follows.
- (2) In subsection (3)(b), after “named in” insert “an EHC plan maintained for the child under section 37 of the Children and Families Act 2014 or”.
- (3) In subsection (5), omit the “and” after paragraph (d) and after paragraph (e) insert—
- “(f) sections 33 and 34 of the Children and Families Act 2014 (mainstream education for children with special educational needs), and
 - (g) sections 38 and 39 of that Act (EHC plan: request of parent for named school etc).”
- (4) After subsection (5) insert—
- “(5A) The powers of the First-tier Tribunal on determining an appeal under section 51(2)(c) of the Children and Families Act 2014 (appeals against certain aspects of content of EHC plan) are subject to subsection (2) above.”
- (5) In subsection (6), omit “the First-tier Tribunal or”.
- (6) In subsection (7)—
- (a) after “function under this Act” insert “, Part 3 of the Children and Families Act 2014”, and
 - (b) in paragraph (a), after “special educational provision” insert “called for by his special educational needs or”.
- (7) In subsection (9), after paragraph (a) insert—
- “(aa) section 36 of the Children and Families Act 2014 (assessment of education, health and care needs: England) shall have effect as if an accommodation centre were a school.”