

1988 No. 1067

EDUCATION, ENGLAND AND WALES

**The Education (Special Educational Needs)
(Amendment) Regulations 1988**

<i>Made</i> - - - - -	<i>16th June 1988</i>
<i>Laid before Parliament</i>	<i>27th June 1988</i>
<i>Coming into force</i>	<i>18th July 1988</i>

In exercise of the powers conferred by paragraph 4 of Schedule 1 to the Education Act 1981(a) as extended by section 5(8) of the Disabled Persons (Services, Consultation and Representation) Act 1986(b) the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

1. These Regulations may be cited as the Education (Special Educational Needs) (Amendment) Regulations 1988 and shall come into force on 18th July 1988.

2. The Education (Special Educational Needs) Regulations 1983(c) are hereby amended as follows –

- (a) in regulation 2(4) after the definition of the expression “the Act of 1981” there shall be added the following –
“the Act of 1986” means the Disabled Persons (Services, Consultation and Representation) Act 1986;”;
- (b) in regulation 2(4) at the end there shall be added the following –
“statutory services” has the same meaning as in the Act of 1986.”;
- (c) in regulation 11(1) in sub-paragraph (d) there shall be deleted the word “or” in the second place it occurs;
- (d) in regulation 11(1) in sub-paragraph (e) there shall be added at the end the word “or”;
- (e) in regulation 11(1) at the end there shall be added the following new sub-paragraph –
“(f) for the purposes of an assessment of the needs of the child with respect to the provision of any statutory services for him being carried out by officers of a social services authority by virtue of arrangements made under section 5(5) of the Act of 1986.”;
- (f) for paragraph (2) of regulation 12 there shall be substituted the following paragraph –
“(2) The old authority shall transfer the statement to the new authority.”;

(a) 1981 c.60.
(b) 1986 c.33.
(c) S.I. 1983/29.

(g) after paragraph (2) of regulation 12 there shall be added the following paragraph -

“(2A) Where the statement has been transferred as aforesaid and the old authority had received an opinion in pursuance of section 5(1) or (2) of the Act of 1986 or had given notification for the purposes of section 5(5) of that Act, they shall so inform the new authority.”.

14th June 1988

Kenneth Baker
Secretary of State for Education and Science

16th June 1988

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Special Educational Needs) Regulations 1983. They permit a child's statement of special educational needs to be disclosed to enable social services authority officers to undertake the needs assessment of that child required by section 5(5) of the Disabled Persons (Services, Consultation and Representation) Act 1986 on the child ceasing to receive full time education (regulation 2(c) to (e)). They also provide that where a child moves from the area of one local education authority to another the old authority shall transfer to the new authority any statement of special educational needs they maintained in respect of that child (regulation 2(f)). The old authority are also required to inform the new authority if they have received an opinion under section 5(1) or (2) of the Disabled Persons (Services, Consultation and Representation) Act 1986 as to whether or not the child is disabled, or have given notification for the purposes of section 5(5) of that Act of the date the disabled child is expected to leave full-time education (regulation 2(g)).

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