2001 No. 2468

EDUCATION, ENGLAND AND WALES

The Education (Special Educational Needs) (England) (Amendment) Regulations 2001

Made - - - - -	*7th July 2001*
Laid before Parliament	*10th July 2001*
Coming into force - -	*1st September 2001*

In exercise of the powers conferred on the Secretary of State by section 569 of, and paragraph 3(3) of Schedule 26 to, the Education Act 1996(**a**) the Secretary of State for Education and Skills hereby makes the following regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Special Educational Needs) (England) (Amendment) Regulations 2001.

(2) These Regulations shall come into force on 1st September 2001.

(3) These Regulations apply only in relation to England.

Interpretation

2.—(1) In these Regulations, "the principal Regulations" means The Education (Special Educational Needs) (England) Regulations 2001(**b**).

(2) Expressions used in these Regulations and the principal Regulations have the same meaning in these Regulations as in the principal Regulations.

Time limits and prescribed information

3. Regulation 12 of the principal Regulations shall be amended as follows—

(a) In paragraph (3) the words "Where under section 329A (3) an authority serve a notice on a child's parent informing him that they are considering whether to make an assessment they shall within 6 weeks of the date of service of that notice give notice to the responsible body who requested that an assessment be made—" shall be deleted and the following words shall be inserted in their place—

"Where section 329A applies an authority shall, within 6 weeks of the date of receipt of a request from a responsible body that an assessment of a child be made, give notice to that body—".

(b) In paragraph (4) the words "Where under section 329A(3) an authority serve a notice on a child's parent informing him that they are considering whether to make an

(**a**) 1996 c. 56. Paragraph 3(3) was inserted by paragraph 14 of Schedule 8 to the Special Educational Needs and Disability Act 2001, 2001 c. 10.
(**b**) S.I. 2001/2216.

assessment they shall within six weeks of the date of service of that notice give notice to the child's parent—" shall be deleted and the following words shall be inserted in their place—

"Where section 329A applies an authority shall, within 6 weeks of the date of receipt of a request from a responsible body that an assessment of a child be made, give notice to the child's parent—".

Estelle Morris
Secretary of State for Education and Skills

7th July 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Special Educational Needs) (England) Regulations 2001 by amending regulation 12 so that where section 329A Education Act 1996 applies and a responsible body (typically a child's school) has asked an authority to assess a child's educational needs the authority must, subject to prescribed exceptions, notify the body and the parents of their decision to assess or not to assess within 6 weeks of the request being received. Parents must be provided with additional information within this period. Regulation 12 previously provided that parents and responsible bodies had to be notified of the authority's decision within 6 weeks of the authority informing the parent that they were considering making an assessment.

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