



Special Educational Needs and Disability Act 2001

CHAPTER 10

SPECIAL EDUCATIONAL NEEDS AND DISABILITY ACT 2001

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- 1 Education in mainstream schools of children with special educational needs

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- 9 Duty to specify named school

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Special Educational Needs and Disability Act 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Amendment of statement of special educational needs

- 10 Amendment of statement of special educational needs

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 34 Removal of certain duties of funding bodies

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SCHEDULES

SCHEDULE 1 — AMENDMENT TO STATEMENT OF SPECIAL EDUCATIONAL NEEDS

Part 1 — PROCEDURE FOR MAKING AMENDMENT TO STATEMENT OF SPECIAL EDUCATIONAL NEEDS

- 1 Schedule 27 to the 1996 Act (making and maintenance of...
- 2 For paragraph 1 substitute— In this Schedule— “amendment notice” has the meaning given in...
- 3 For paragraph 2 substitute— (1) Before making a statement, a local education authority shall...
- 4 In paragraph 3, in sub-paragraph (1), for the words from...
- 5 In that paragraph, in sub-paragraph (2), for “paragraph 2(b)” substitute...
- 6 In that paragraph omit sub-paragraph (4).
- 7 After that paragraph, insert— Consultation on specifying name of school...
- 8 In paragraph 4, in sub-paragraph (1)— (a) after “paragraph 2”...
- 9 In that paragraph, in sub-paragraph (2), after “sub-paragraph (1)(b)” insert...
- 10 In that paragraph, in sub-paragraphs (4)(a) and (5), for “paragraph...
- 11 In paragraph 5, in sub-paragraph (1), after “make” insert “...
- 12 In that paragraph, in sub-paragraph (2), for “The statement” substitute...
- 13 After that sub-paragraph insert— (2A) If a local education authority...
- 14 For paragraph 6, substitute— (1) Where a local education authority make or amend a...
- 15 In paragraph 8(1)(b)— (e) in sub-paragraph (ii), after “statement” insert...
- 16 In paragraph 9— (g) in sub-paragraph (1), omit “amend or”...
- 17 Omit paragraph 10.

Part 2 — APPEALS AGAINST AMENDMENTS TO STATEMENT OF SPECIAL EDUCATIONAL NEEDS

- 18 Section 326 of the 1996 Act is amended as follows....
- 19 For subsection (1) substitute— (1) The parent of a child...
- 20 In subsection (2), for “paragraph 10” substitute “ paragraph 2A...

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SCHEDULE 2 — RESPONSIBLE BODIES FOR SCHOOLS

The following is the Schedule inserted into the 1995 Act....

SCHEDULE 3 — AMENDMENT OF SCHEDULE 3 TO THE 1995 ACT

- 1 The following provisions are inserted in Schedule 3 to the...
- 2 The following provisions are inserted in Schedule 3 to the...

SCHEDULE 4 — RESPONSIBLE BODIES FOR EDUCATIONAL INSTITUTIONS

The following is the Schedule inserted in the 1995 Act....

SCHEDULE 5 — MODIFICATIONS OF CHAPTER 2 OF PART 4 OF THE 1995 ACT

The following is the Schedule inserted in the 1995 Act....

SCHEDULE 6 — AMENDMENT OF SCHEDULE 4 TO THE 1995 ACT

The following provisions are inserted in Schedule 4 to the...

SCHEDULE 7 — AMENDMENTS TO THE DISABILITY RIGHTS COMMISSION ACT 1999

- 1 The Disability Rights Commission Act 1999 is amended as follows....
- 2 In section 2 (general functions), in the definition of “discrimination”...
- 3 In section 4 (non-discrimination notices), in subsection (5), for “or...”
- 4 In section 5 (agreements in lieu of enforcement action), in...
- 5 In subsection (1) of section 6 (persistent discrimination), for paragraphs...
- 6 In subsection (4) of that section, for “or Part III”...
- 7 In subsection (5) of that section, omit “of a court...”
- 8 In section 7(1)(a) (proceedings in relation to which assistance may...
- 9 In paragraph 3(10) of Schedule 3 (formal investigations and non-discrimination...

SCHEDULE 8 — MINOR AND CONSEQUENTIAL AMENDMENTS

Part 1 — THE 1996 ACT

- 1 The 1996 Act is amended as follows.
- 2 *The re-naming of the Tribunal*
- 3 In section 333, for subsection (1) substitute—
- 4 In paragraph 118(3) of Schedule 37, omit paragraph (d).
- 5 *Annual reports*
- 6 *Contents and service of notices*
- 7 (1) In section 328 (reviews of educational needs), in subsection...
- 8 (1) In section 329 (assessment of educational needs at request...
- 9 (1) In paragraph 8 of Schedule 27 (change of name...
- 10 (1) In paragraph 11 of that Schedule (ceasing to maintain...
- 11 *Proposals to make an assessment*
- 12 *Statements: suitable arrangements made by parents*
- 13 *Procedure regulations*
- 14 *Time limits with respect to assessments*
- 15 *School attendance orders: amendment of statement of special educational needs*

Part 2 — OTHER ENACTMENTS

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

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- 17 In subsection (1) (requirement to obtain opinion of local authority...
- 18 In subsection (9) (interpretation), after the definition of “establishment of...
- 19 *The Tribunals and Inquiries Act 1992 (c. 53)*
- 20 In section 11(1) (appeals from certain tribunals)—
- 21 In paragraph 15 of Schedule 1 (bodies subject to the...
- 22 After paragraph 40A of that Schedule, insert— Special educational needs...
- 23 *The School Standards and Framework Act 1998 (c. 31)*

SCHEDULE 9 — REPEALS

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 11-33 repealed by 2010 c. 15 Sch. 27 Pt. 1 (as substituted) by [S.I. 2010/2279 Sch. 2](#)
- s. 14(2) repealed by [2005 c. 18 Sch. 19 Pt. 4](#)
- s. 34(4)(5)(6)(7) repealed by 2010 c. 15 Sch. 27 Pt. 1 (as substituted) by [S.I. 2010/2279 Sch. 2](#)
- s. 35-37 repealed by [2006 c. 3 Sch. 4](#)
- s. 38-40 repealed by 2010 c. 15 Sch. 27 Pt. 1 (as substituted) by [S.I. 2010/2279 Sch. 2](#)
- s. 38(7) repealed by [2005 c. 13 Sch. 2](#)
- s. 40(2) repealed by [2005 c. 18 Sch. 19 Pt. 3](#)
- Sch. 2-6 repealed by 2010 c. 15 Sch. 27 Pt. 1 (as substituted) by [S.I. 2010/2279 Sch. 2](#)
- Sch. 7 para. 2 repealed by [2005 c. 13 Sch. 2](#)
- Sch. 7 para. 3 repealed by [2005 c. 13 Sch. 2](#)
- Sch. 7 para. 4 repealed by [2005 c. 13 Sch. 2](#)
- Sch. 7 para. 6 repealed by [2005 c. 13 Sch. 2](#)
- Sch. 7 para. 9 repealed by [2005 c. 13 Sch. 2](#)
- Sch. 7 repealed by [2006 c. 3 Sch. 4](#)
- Sch. 8 para. 5 repealed by [2005 c. 18 Sch. 19 Pt. 4](#)
- Sch. 8 para. 23(2) repealed by [2006 c. 40 Sch. 18 Pt. 3](#)
- Sch. 8 para. 20(b) repealed by [S.I. 2008/2833 Sch. 3 para. 228\(i\)](#)

Commencement Orders yet to be applied to the Special Educational Needs and Disability Act 2001:

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2003/2532 art. 2 Sch.](#) commences (2001 c. 10)

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2005/2034 art. 2-9](#) commences (2005 c. 18)
- [S.I. 2005/2774 art. 2-4](#) commences (2005 c. 13)
- [S.I. 2007/935 art. 2-7](#) commences (2006 c. 40)
- [S.I. 2007/2603 art. 2](#) commences (2006 c. 3)
- [S.I. 2010/2317 art. 2 3](#) commences (2010 c. 15)