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**Changes to legislation:** Special Educational Needs and Disability Act 2001, Paragraph 14 is up to date with all changes known to be in force on or before 28 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 8

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 1

##### THE 1996 ACT

###### *Time limits with respect to assessments*

- 14 (1) Paragraph 3 of Schedule 26 (manner and timing of assessments under section 323) is amended as follows.
- (2) In sub-paragraph (2), for “paragraph 10” substitute “ paragraph 2A ”.
- (3) For sub-paragraphs (3) and (4) substitute—
- “ (3) Regulations may provide—
- (a) that where a local education authority are under a duty under section 323, 329 or 329A to serve any notice, the duty must be performed within the prescribed period,
  - (b) that where a local education authority have served a notice under section 323(1) or 329A(3) on a child’s parent, they must decide within the prescribed period whether or not to make an assessment of the child’s educational needs,
  - (c) that where a request has been made to a local education authority under section 329(1), they must decide within the prescribed period whether or not to comply with the request, and
  - (d) that where a local education authority are under a duty to make an assessment, the duty must be performed within the prescribed period.
- (4) Provision made under sub-paragraph (3)—
- (a) may be subject to prescribed exceptions, and
  - (b) does not relieve the authority of the duty to serve a notice, or make a decision or assessment, which has not been served or made within the prescribed period.”

###### **Commencement Information**

- II** Sch. 8 para. 14 wholly in force at 1.9.2002; Sch. 8 para. 14(3) in force at Royal Assent for specified purposes see s. 43(4); Sch. 8 para. 14 in force to the extent not already in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#) (as amended by [S.I. 2001/2614](#), [art. 4](#)); Sch. 8 para. 14 in force for specified

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purposes for W. at 1.4.2002 by [S.I. 2002/74](#), **art. 5**, Sch. Pt. 2 and Sch. 8 para. 14 in force so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), **art. 3**, Sch. 1 Pt. 1

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**Changes and effects yet to be applied to :**

- Sch. 8 para. 14 omitted by [2018 anaw 2 Sch. 1 para. 6\(c\)\(ii\)](#)