

*Changes to legislation: There are currently no known outstanding effects for the Special Educational Needs and Disability Act 2001, Part 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 8

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 2

##### OTHER ENACTMENTS

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

- 16 Section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as follows.

##### Commencement Information

- II** Sch. 8 para. 16 wholly in force at 1.9.2002; Sch. 8 para. 16 not in force at Royal Assent see s. 43(3); Sch. 8 para. 16 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 8 para. 16 in force for W. at 1.4.2002 by [S.I. 2002/74](#), [art. 5](#), [Sch. Pt. 2](#); Sch. 8 para. 16 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), [art. 3](#) Sch. 1 Pt. 1

- 17 In subsection (1) (requirement to obtain opinion of local authority officer as to whether child is a disabled person)—
- (a) in paragraph (a), omit “under the age of 14”; and
  - (b) in paragraph (b)—
    - (i) in sub-paragraph (i), for “the first annual review of the statement following the child’s fourteenth birthday” substitute “ a review of the statement prescribed for the purposes of this paragraph ”; and
    - (ii) in sub-paragraph (ii), for “that birthday” substitute “ they have carried out the review prescribed for the purposes of sub-paragraph (i) ”.

##### Commencement Information

- II** Sch. 8 para. 17 wholly in force at 1.9.2002; Sch. 8 para. 17 not in force at Royal Assent see s. 43(3); Sch. 8 para. 17 in force for certain purposes for E. at 15.6.2001 and Sch. 8 para. 17 in force for E. in so far as not already in force at 1.1.2002 by [S.I. 2001/2217](#), [arts. 4, 5](#), [Sch. Pt. I, II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 8 para. 17 in force for certain purposes for W. at 21.1.2002 and Sch. 8 para. 17 in force in so far as not already in force for W. at 1.4.2002 by [S.I. 2002/74](#), [arts. {4}, {5}](#), [Sch. Pts. I, II](#); Sch. 8 para. 17 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), [art. 3](#), [Sch. 1 Pt. 1](#)

- 18 In subsection (9) (interpretation), after the definition of “establishment of higher or further education” insert—

““prescribed” means prescribed in regulations made—

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- (a) in relation to England, by the Secretary of State; and
- (b) in relation to Wales, by the National Assembly for Wales;”.

**Commencement Information**

**I3** Sch. 8 para. 18 wholly in force at 1.9.2002; Sch. 8 para. 18 not in force at Royal Assent see s. 43(3); Sch. 8 para. 18 in force for certain purposes for E. at 15.6.2001 and Sch. 8 para. 18 in force for E. in so far as not already in force at 1.1.2002 by [S.I. 2001/2217](#), arts. 4, 5, [Sch. Pt. I, II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 8 para. 18 in force for certain purposes for W. at 21.1.2002 and Sch. 8 para. 18 in force in so far as not already in force for W. at 1.4.2002 by [S.I. 2002/74](#), arts. {4}, {5}, Sch. Pts. I, II; Sch. 8 para. 18 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), art. {3}, Sch. 1 Pt. 1

*The Tribunals and Inquiries Act 1992 (c. 53)*

- 19 The Tribunals and Inquiries Act 1992 is amended as follows.
- 20 In section 11(1) (appeals from certain tribunals)—
  - (a) for “15(a), (d) or (e)” substitute “ 15(a) or (d) ”; and
  - <sup>F1</sup>(b) .....

**Textual Amendments**

**F1** Sch. 8 para. 20(b) repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), [art. 1\(1\)](#), [Sch. 3 para. 228\(i\)](#)

- 21 In paragraph 15 of Schedule 1 (bodies subject to the supervision of the Council) omit sub-paragraph (e).
  - 22 After paragraph 40A of that Schedule, insert—
- |   |  |
|---|--|
| “Special educational needs and disability discrimination. | 40B. The Special Educational Needs and Disability Tribunal.” |
|---|--|

*The School Standards and Framework Act 1998 (c. 31)*

- 23 (1) The School Standards and Framework Act 1998 is amended as follows.
  - <sup>F2</sup>(2) .....
  - (3) In paragraph 6 of Schedule 5 (duty of adjudicators to have regard to anti-discrimination duties of other bodies)—
    - (a) omit “or”, at the end of sub-paragraph (a); and
    - (b) after sub-paragraph (b), insert “or
    - (c) Chapter 1 of Part 4 of the Disability Discrimination Act 1995,”.
  - (4) In Schedule 30 (minor and consequential amendments), omit paragraph 186(2)(b).

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**Textual Amendments**

**F2** Sch. 8 para. 23(2) repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 18 Pt. 3](#); [S.I. 2007/935](#), art. 7(q)

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