



Education and Inspections Act 2006

2006 CHAPTER 40

PART 9

MISCELLANEOUS

Special educational needs

^{F1}173 Special educational needs co-ordinators

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Textual Amendments

F1 S. 173 omitted (1.9.2021) by virtue of [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), [Sch. 1 para. 6\(j\)\(i\)](#); S.I. 2021/373, art. 8(j)(xvii)

Commencement Information

II S. 173 in force at 8.1.2007 for E. by [S.I. 2006/3400](#), [art. 2\(c\)](#)

174 Time limits relating to statements of special educational needs

- (1) Chapter 1 of Part 4 of EA 1996 (children with special educational needs) is amended as follows.
- (2) In Schedule 26 (making of assessments under section 323), in paragraph 3(3)(a) after “or 329A” insert “, or under regulations under sub-paragraph (1)(b),”.
- (3) In Schedule 27 (making and maintenance of statements under section 324)—
 - (a) in paragraph 5, for sub-paragraph (3) substitute—

“(3) Regulations may provide that, where a local education authority are under a duty (subject to compliance with the preceding requirements of this Schedule) to make a statement, the duty to make the

Changes to legislation: Education and Inspections Act 2006, Cross Heading: Special educational needs is up to date with all changes known to be in force on or before 19 April 2024. 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](#)

statement, or any step required to be taken for or in connection with the performance of the duty or the maintenance of the statement (including any step in relation to the amendment of the statement) must, subject to prescribed exceptions, be performed within the prescribed period.”, and

(b) in paragraph 11, after sub-paragraph (2A) insert—

“(2B) Where the local education authority determine to cease to maintain a statement following a periodic review or a re-assessment review, regulations may provide that a notice under sub-paragraph (2)(a) must be given within the prescribed period beginning with the date of the review.”

(4) Any regulations which were made under Schedule 26 or 27 to EA 1996 and are in force immediately before the commencement of this section are to have effect as from that time as if made under that Schedule as amended by subsection (2) or (3) (as the case may be).

Commencement Information

I2 S. 174 in force at 8.1.2007, see s. 188(2)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)