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STATUTORY INSTRUMENTS

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**2001 No. 2217 (C. 73)**

**EDUCATION, ENGLAND**

**The Special Educational Needs And Disability  
Act 2001 (Commencement No. 1) Order 2001**

*Made - - - - 12th June 2001*

The Secretary of State for Education and Skills, in exercise of the power conferred upon her by section 43(3), 43(7) and 43(8) of the Special Educational Needs and Disability Act 2001<sup>(1)</sup>, hereby makes the following Order:

**Citation and Interpretation**

1. This Order may be cited as the Special Educational Needs and Disability Act 2001 (Commencement No. 1) Order 2001.
2. This Order applies only in relation to England.
3. In this Order, unless the context otherwise admits, references to sections and Schedules are references to sections of and Schedules to the Special Educational Needs and Disability Act 2001.

**Appointed days**

4. The day appointed for the coming into force of the provisions specified in Part I of the Schedule to this Order is 15th June 2001.
5. The day appointed for the coming into force of the provisions specified in Part II of the Schedule to this Order is 1st September 2001.

12th June 2001

*Estelle Morris*  
Secretary of State for Education and Skills

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## SCHEDULE

### PART I

#### PROVISIONS COMING INTO FORCE ON 15TH JUNE 2001

PROVISION	SUBJECT MATTER
Section 1 (so far as is necessary for the purpose of making any regulations for which it provides)	Education in mainstream schools of children with special educational needs
Section 8 (so far as is necessary for the purpose of making any regulations for which it provides)	Review or assessment of educational needs at request of responsible body
Section 10 (so far as it relates to the provisions of Schedule 1 set out in this Schedule)	Amendment of statement of special educational needs
Section 42(1) (so far as it relates to the provisions of Schedule 8 set out in this table)	Minor amendments and repeals
Paragraphs 3 and 14 of Schedule 1 (so far as is necessary for the purpose of making any regulations for which they provide)	Amendment to statement of special educational needs
Paragraphs 17 and 18 of Schedule 8 (so far as is necessary for the purpose of making any regulations for which they provide)	The Disabled Persons (Services, Consultation and Representation) Act 1986 <sup>(2)</sup>

### PART II

#### PROVISIONS COMING INTO FORCE ON 1ST SEPTEMBER 2001

PROVISION	SUBJECT MATTER
Section 1 (to the extent not already in force)	Education in mainstream schools of children with special educational needs
Section 2	Advice and information for parents
Section 3	Resolution of disputes
Section 4 (to the extent not already in force)	Compliance with orders
Section 5 (to the extent not already in force)	Unopposed appeals
Section 6	Maintenance of statement during appeal
Section 7	Duty to inform parent where special educational provision made
Section 8 (to the extent not already in force)	Review or assessment of educational needs at request of responsible body
Section 9	Duty to specify named school

(2) [1986 c. 33](#).

PROVISION	SUBJECT MATTER
Section 10 (to the extent not already in force)	Amendment of statement of special educational needs
Section 41	Expenses of Secretary of State
Section 42 (to the extent not already in force)	Minor amendments and repeals
Paragraphs 1 to 20 of Schedule 1 (to the extent not already in force)	Amendment to statement of special educational needs
Paragraphs 1, 5 to 12, 13(1) to (4), and 14 to 18 of Schedule 8 (to the extent not already in force)	Minor and consequential amendments
The following repeals in Schedule 9;  the specified repeal of section 5(10)(a) of the Disabled Persons (Services, Consultation and Representation) Act 1986  the specified repeals of the Education Act 1996(3) (other than the repeal of section 528, and paragraphs 118(3)(d) and 129 of Schedule 37)  the repeal of paragraph 186(2)(b) of Schedule 30 to the School Standards and Framework Act 1998(4)	Repeals

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the coming into force in England on 15th June 2001 of certain provisions of the Special Educational Needs and Disability Act 2001 to allow regulations relating to special educational needs (SEN) to be made in advance of the commencement of the balance of the provisions of the Act relating to SEN.

It also provides for the coming into force in England on 1st September 2001 of the other provisions in the Act relating to SEN, including provisions relating to the education of children with SEN in mainstream schools, the provision of advice and information to parents of children with SEN, and arrangements for the resolution of disputes about SEN related issues, the compliance by local education authorities with SEN Tribunal orders, appeals to the SEN Tribunal, the identification and assessment of educational needs and amending statements of SEN.

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(3) 1996 c. 56.

(4) 1998 c. 31.

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