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STATUTORY INSTRUMENTS

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**2001 No. 3992 (C. 127)**

**EDUCATION, WALES**

**The Special Educational Needs and Disability Act  
2001 (Commencement No. 2) (Wales) Order 2001**

*Made - - - - 8th December 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. 2) (Wales) Order 2001.
2. This Order applies only in relation to Wales.
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 8th December 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 April 2002.

8th December 2001

*Estelle Morris*  
Secretary of State for Education and Skills

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## SCHEDULE

### PART I

#### PROVISIONS COMING INTO FORCE ON 8TH DECEMBER 2001

<b>Provision</b>	<b>Subject Matter</b>
Section 10 (so far as it relates to the provisions of Schedule 1 set out in this table)	Amendment of statement of special educational needs
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

### PART II

#### PROVISIONS COMING INTO FORCE ON 1ST APRIL 2002

<b>Provision</b>	<b>Subject Matter</b>
Section 4 (to extent not already in force)	Compliance with orders
Section 5 (to extent not already in force)	Unopposed appeals
Section 6	Maintenance of statement during appeal
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(1) (to the extent not already in force) in so far as it relates to the provisions of Schedule 8 specified below.	Minor amendments and repeals
Section 42(2)–(4) (to the extent not already in force).	Minor amendments and repeals
Section 42(6) in so far as it relates to the provisions of Schedule 9 specified below	
Paragraphs 1 to 20 of Schedule 1 (to the extent not already in force)	Amendment to statement of special educational needs
In Schedule 8, paragraphs 13(1) to (4), 15	Minor and consequential amendments
In Schedule 9, the repeals in so far as they relate to Wales of—	
in the Education Act 1996, in section 336(2), paragraph (d) and in section 441(3)(a), the words “in accordance with paragraph 10 of Schedule 27”;	
in the School Standards and Framework Act 1998, in Schedule 30, paragraph 186(2)(b).	

## EXPLANATORY NOTE

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

This Order provides for the coming into force in Wales on 8th December 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 other provisions of the Act relating to SEN.

It also provides for the coming into force in Wales on 1st April 2002 of other provisions in the Act relating to SEN, including provisions relating to 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.