
STATUTORY INSTRUMENTS

1995 No. 629

EDUCATION, ENGLAND AND WALES

The Education (Payment for Special Educational Needs Supplies) (Amendment) Regulations 1995

<i>Made</i>	- - - -	<i>8th March 1995</i>
<i>Laid before Parliament</i>		<i>9th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

In exercise of the powers conferred by sections 162(2) and 301(6) of the Education Act 1993(1), the Secretary of State hereby makes the following Regulations:

1. These Regulations may be cited as the Education (Payment for Special Educational Needs Supplies) (Amendment) Regulations 1995 and shall come into force on 1st April 1995.

2. Regulation 2(2) of the Education (Payment for Special Educational Needs Supplies) Regulations 1994(2) shall be amended as follows —

(a) at the beginning of sub-paragraph (a)(ii) there shall be inserted the words “in relation to a local education authority in Wales,”;

(b) there shall be inserted a new sub-paragraph (a)(iii) as follows —

“(iii) in relation to a local education authority in England, is included in Part 1 of the authority’s budget statement for the financial year immediately preceding the financial year in question as part of planned expenditure on special educational provision for pupils with special educational needs other than—

(A) expenditure on making the special educational provision for pupils with statements of special educational needs specified in their statements made under section 168 of the Act;

(B) expenditure on services provided by education welfare officers and education social workers;

(C) expenditure on services provided by educational psychologists in observing, working with and assessing pupils with special educational needs, in advising such pupils, their parents and their teachers, and in providing training to teachers; and

(1) 1993 c. 35; for the meaning of “prescribed” and “regulations” see section 305(1).

(2) S.I. 1994/650; to which there is an amendment not relevant to these Regulations.

Status: This is the original version (as it was originally made).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

- (D) expenditure in connection with a local education authority's duties to make assessments of, and to make, maintain and review statements for, children with special educational needs, under sections 5, 7 and 8 of, and Schedule 1 to, the Education Act 1981⁽³⁾(as they continue to have effect by virtue of Schedule 4 (transitional provisions) to the Education Act 1993 (Commencement No. 5 and Transitional Provisions) Order 1994⁽⁴⁾) or sections 167 to 170 and 172 to 174 of the Act; or;" and
- (c) in sub-paragraph (b) for the words "section 7" to the end there shall be substituted the words —
- “section 168 of the Act and whose educational needs are not being assessed under section 167 of the Act”.

8th March 1995

Eric Forth
Minister of State,
Department for Education

(3) 1981 c. 60; section 7 was amended by the Education Reform Act 1988 (c. 40), Schedule 12, paragraph 83; section 8 was amended by Schedule 12, paragraph 84 of that Act and Schedule 1 was amended by Schedule 12, paragraph 85 of that Act. Sections 5, 7 and 8 and Schedule 1 were repealed by the Education Act 1993, Schedule 21, Part I.

(4) S.I. 1994/2038 (C.39); amended by S.I. 1994/2248 (C.47).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make consequential amendments to the Education (Payment for Special Educational Needs Supplies) Regulations 1994 (“the 1994 Regulations”) to take into account the repeal, in so far as they apply to local education authorities in England, of the Education (School Financial Statements) (Prescribed Particulars etc.) Regulations 1994 (S.I. 1994/323) and their replacement to that extent by the Education (School Financial Statements) (Prescribed Particulars etc.) Regulations 1995 (S.I. 1995/208).

In particular a new regulation 2(2)(a)(iii) of the 1994 Regulations is inserted. In relation to a local education authority in England, the new provision describes an amount for meeting the cost of supplies under section 162(1) of the Education Act 1993 included in Part 1 of the authority’s budget statement by reference to the planned expenditure in respect of which it is so included rather than by reference to the Regulations in accordance with which it is so included.

Regulation 2(2)(b) of the 1994 Regulations is amended so as to replace references to the provisions of the Education Act 1981, which have been repealed (with savings), by references to the relevant provisions in the Education Act 1993. The pupils in question will have no statements maintained under section 168 of the Education Act 1993 and their educational needs will not be assessed under section 167 of that Act rather than under provisions of the Education Act 1981.