
WELSH STATUTORY INSTRUMENTS

2002 No. 152

The Education (Special Educational Needs) (Wales) Regulations 2002

PART IV

REVOCATION AND TRANSITIONAL PROVISIONS

Revocation of the 1994 Regulations

25. Subject to regulation 26, the 1994 Regulations are hereby revoked.

Transitional provisions

26.—(1) Subject to the following provisions of this regulation references in these Regulations to anything done under these Regulations shall be read in relation to the times, circumstances or purposes in relation to which a corresponding provision of the 1994 Regulations had effect and so far as the nature of the reference permits as including a reference to that corresponding provision.

(2) Regulations 6 to 11 of the 1994 Regulations shall continue to apply in relation to any assessment where before 1st April 2002 in pursuance of section 323(4) the authority notify the parent that they have decided to make an assessment, and regulations 6 to 12 shall not apply in relation to any such assessment.

(3) Where regulations 6 to 11 of the 1994 Regulations continue to apply in relation to any assessment but the authority have not before 1st September 2002—

- (a) notified the parent of their decision that they are not required to determine the special educational provision of the child in accordance with section 325(1);
- (b) served on the parent a copy of a proposed statement in accordance with paragraph 2 of Schedule 27, or
- (c) served on the parent a copy of a proposed amended statement under paragraph 3 of Schedule 27

regulations 6 to 12 shall apply in relation to the assessment from 1st September 2002 as if on that date the authority had given notice to the parent under section 323(4) of their decision to make an assessment.

(4) Where in accordance with paragraph (3) above regulations 6 to 12 apply in relation to an assessment the authority shall obtain advice in accordance with Part II, but advice obtained in accordance with the 1994 Regulations shall be considered to have been obtained under Part II if such advice is appropriate for the purpose of arriving at a satisfactory assessment under that Part.

(5) Where before 1st April 2002 in accordance with section 323(1) the authority have served notice on the child's parent that they propose to make an assessment but they have not before that date notified the parent under section 323(4) that they have decided to make the assessment or notified the parent under section 323(6) that they have decided not to make the assessment, regulation 11

of the 1994 Regulations shall continue to apply for the purpose of any such notification under section 323(4) or 323(6) only.

(6) Where before 1st April 2002 in accordance with section 328 or 329 a parent has asked the authority to arrange for an assessment to be made of his or her child's educational needs but the authority have not before that date notified the parent under section 323(4) that they have decided to make the assessment or notified the parent under section 328(3) or 329(2) that they have decided not to make the assessment regulation 11 of the 1994 Regulations shall continue to apply for the purpose of any notification under section 323(4), 328(3) or 329(2) only.

(7) Regulations 13 and 14 of the 1994 Regulations shall continue to apply to the making of any statement where before 1st April 2002 the authority have served on the parent a copy of a proposed statement in accordance with paragraph 2 of Schedule 27.

(8) Regulation 14 of the 1994 Regulations shall continue to apply in relation to a proposal to amend or cease to maintain a statement where an authority serve a notice under paragraph 10(1) or 11(2) of Schedule 27 before 1st April 2002 .

(9) Regulation 15 of the 1994 Regulations shall continue to apply to a review of a statement in respect of which an authority serve a notice as required by regulation 15(2) of the 1994 Regulations before 1st April 2002.

(10) Regulation 16 of the 1994 Regulations shall continue to apply to a review of a statement in respect of which an authority serve a notice as required by regulation 16(2) of the 1994 Regulations before 1st April 2002.

(11) Regulation 17 of the 1994 Regulations shall continue to apply to a review in respect of which an authority in accordance with regulation 17(3) of the 1994 Regulations have before 1st April 2002 invited the attendance of the persons specified in that regulation to a meeting.

(12) The first occasion before which an authority must, under regulation 19 of these Regulations, ensure that a child's statement is amended, is 15th February 2003.