STATUTORY RULES OF NORTHERN IRELAND

1998 No. 217

EDUCATION

Education (Special Educational Needs) (Amendment) Regulations (Northern Ireland) 1998

Made - - - -	*12th June 1998*
Coming into operation	*1st September 1998*

The Department of Education, in exercise of the powers conferred on it by Articles 14(5) and 28(2) of and paragraph 3(1) of Schedule 1 and paragraph 5(3) of Schedule 2 to the Education (Northern Ireland) Order 1996(**1**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Special Educational Needs) (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on 1st September 1998.

Amendment of Education (Special Educational Needs) Regulations (Northern Ireland) 1997

2. The Education (Special Educational Needs) Regulations (Northern Ireland) 1997(**2**) shall be amended by inserting after regulation 9 (Matters to be taken into account in making an assessment) the following regulation—

"**Time Limits**

9A.—(1) This regulation applies where a board has, on or after 1st September 1998, either—

(a) served a notice on the child's parent under Article 15(1) of its proposal to make an assessment; or

(b) received a request from the child's parent under Article 20(1) to arrange for an assessment to be made,

and it is necessary under Article 16(1) for the board to make a statement.

(2) Subject to paragraph (3), the period within which a board shall serve on the child's parent a copy of the proposed statement under paragraph 2 of Schedule 2 to the Order shall

(**1**) S.I.1996/274 (N.I. 1)
(**2**) S.R. 1997 No. 327

be 18 weeks from the date on which it served the notice referred to in paragraph 1(*a*) or received the request referred to in paragraph 1(*b*), as the case may be.

(3) A board need not comply with the time limit referred to in paragraph (2) if it is impractical to do so because—

(a) after receiving advice sought under regulation 5 it is necessary for the board to seek further advice in order to complete its assessment;

(b) the child's parent has indicated to the board that he wishes to provide advice to it after the expiry of 6 weeks from the date on which a request for such advice under regulation 5(1)(*a*) was received, and the board has agreed to consider such advice before completing the assessment;

(c) the board has requested advice from the principal of a school under regulation 5(1)(*b*) during a period beginning one week before any date on which that school was closed for a continuous period of not less than 4 weeks from that date and ending one week before the date on which it re-opens;

(d) the board has requested advice from a health and social services authority under regulation 5(1)(*c*) or (*e*) and that authority has not complied with the request within 6 weeks from the date on which it was made;

(e) exceptional personal circumstances affect the child or his parent during the 18 week period referred to in paragraph (2);

(f) the child or his parent is absent from the area of the board for a continuous period of not less than 4 weeks during the 18 week period referred to in paragraph (2); or

(g) the child fails to keep an appointment for an examination or a test during the 18 week period referred to in paragraph (2).

(4) Subject to paragraph (5), where a board has requested advice from a health and social services authority under regulation 5(1)(*c*) or (*e*), that authority shall comply with the request within 6 weeks of the date on which it receives it.

(5) A health and social services authority need not comply with the time limit referred to in paragraph (4) if it is impractical to do so because—

(a) exceptional personal circumstances affect the child or his parent during the 6 week period referred to in paragraph (4);

(b) the child or his parent is absent from the area of the authority for a continuous period of not less than 4 weeks during the 6 week period referred to in paragraph (4);

(c) the child fails to keep an appointment for an examination or a test made by the authority during the 6 week period referred to in paragraph (4); or

(d) the authority has not before the date on which a copy of a notice has been served on it in accordance with regulation 4(1) or a notice has been served on it in accordance with regulation 4(3) produced or maintained any information or records relevant to the assessment of the child under Article 15.".