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STATUTORY INSTRUMENTS

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**2014 No. 2270**

**The Children and Families Act 2014 (Transitional  
and Saving Provisions) (No. 2) Order 2014**

**PART 5**

Children etc with statement on commencement: transfer to new regime

**Local authority ceasing to maintain statement**

**26.**—(1) This Article applies if a local authority that was maintaining a statement for a child or young person to whom this Part applies determines to cease to maintain that statement (otherwise than as the result of the operation of the other provisions of this Part).

(2) The new law has effect in relation to the child or young person (to the extent that it has not done so already), and the old law ceases to have effect in relation to the child or young person, at the relevant time.

(3) If no appeal under paragraph 11 of Schedule 27 to EA 1996 is brought against the local authority's determination within the period allowed for bringing such appeals, the relevant time is the end of that period.

(4) If such an appeal is brought against the determination within that period, the relevant time is—

- (a) where the appeal is withdrawn or abandoned, when it is withdrawn or abandoned;
- (b) where, on the final determination of the appeal, it is dismissed, when it is dismissed;
- (c) where, on the final determination of the appeal, the local authority is ordered to continue to maintain the statement, when the old law ceases to apply in relation to the child or young person by virtue of this Part;
- (d) where paragraph (6) applies, when the authority make the determination referred to in that paragraph.

(5) Paragraph (6) applies if on the final determination of the appeal, the local authority is ordered to continue to maintain the statement.

(6) The local authority may with the consent of the child's parent or the young person determine that the statement is to have effect as an EHC plan specifying the educational provision specified in the statement.