
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional provisions in connection with the coming into force on 1st September 2014 (“commencement”) of provisions in Part 3 of the Children and Families Act 2014 (“the 2014 Act”), in accordance with [S.I. 2014/889](#) (as amended by [S.I. 2014/1134](#)).

Article 2 contains definitions, including the “new law” in the 2014 Act and the “old law” at Part 4 of the Education Act 1996.

Parts 2 to 4 deal with children and young people who did not have a SEN statement on commencement. Part 2 is about children or young people who have been refused an assessment or statement and provides for section 36(3) of the 2014 Act not to apply to them. Part 3 preserves the old law in relation to cases where an assessment is being considered or in progress on commencement. Part 4 applies to appeals against the refusal of an assessment or statement before commencement.

Part 5 deals with children or young people who have a statement on commencement and sets out when they should be transferred to the new regime.

Part 6 deals with learning difficulty assessments under section 139A of the Learning and Skills Act 2000.

Part 7 deals with children and young people with EHC plans who become detained, and provides that while in detention their plans are treated as statements. This is in light of the fact that sections 70(2) to 75 of the 2014 Act which make special provision for applying the 2014 Act to detained persons, are not yet commenced.