

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3743 of 12 November, 2009

LEGAL NOTICE NO. 62 OF 2009.

EDUCATION AND TRAINING ACT

**CHILDREN WITH SPECIAL NEEDS (ASSESSMENT PANEL)
(AMENDMENT) REGULATIONS 2009**

In exercise of the powers conferred on him by section 82 of the Education and Training Act, the Minister with responsibility for education has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Children with Special Needs (Assessment Panel) (Amendment) Regulations 2009 and come into effect on the date of publication.

Amendment of the Handicapped Children (Assessment Panel) Regulations.

2.(1) The Handicapped Children (Assessment Panel) Regulations are amended in accordance with this regulation.

(2) In regulation 1 for “Handicapped Children (Assessment Panel) Regulations” substitute “Children with Special Needs (Assessment Panel) Regulations”.

(3) In regulation 2 for the definition of “school” substitute—

““school” means the school deemed most appropriate for the child’s needs.”.

(4) After regulation 2 insert—

“Special Needs.

2A.(1) A child has “special needs” for the purposes of these regulations if he has a learning difficulty which calls for special educational provision to be made for him.

(2) Subject to subregulation (3) a child has a “learning difficulty” for the purposes of these regulations if–

- (a) he has a significantly greater difficulty in learning than the majority of children of his age; or
- (b) he has a disability which either prevents or hinders him from making use of educational facilities of a kind generally provided for children of his age in government schools; or
- (c) he is under 15 years of age and is, or would be if special educational provision were not made for him, likely to fall within paragraph (a) or (b) when of that age.

(3) A child is not to be taken as having a learning difficulty solely because the language (or form of the language) in which he is, or will be, taught is different from a language (or form of a language) which has at any time been spoken in his home.”.

(5) For regulation 3 substitute–

“Establishment of Special Needs Assessment Panel.

3.(1) There is hereby established a Special Needs Assessment Panel(“the panel”).

(2) The panel shall consist of not less than eight persons, appointed by the Minister by notice in the Gazette, being persons who–

- (a) are employed in–
 - (i) the Government department with responsibility for education;
 - (ii) the Government department with responsibility for social services (or a relevant agency); or
 - (iii) the Gibraltar Health Authority; and

(b) have knowledge and experience in the assessment, treatment and care of children with special needs.

(3) Members of the panel shall hold office for such period and on such terms as may be specified in their instrument of appointment, and shall be eligible for re-appointment.

(4) Notwithstanding anything contained in subregulation (3) the Minister may, in his discretion, terminate the appointment of any member of the panel at any time on the grounds of inability, neglect of duty, persistent failure to attend meetings or due to the person no longer being eligible to be a member by virtue of that person no longer holding an employment listed under subregulation (2)(a).

(5) The Minister—

(a) shall designate a member of the panel as Chairman;

(b) shall designate a member of the panel as Deputy Chairman; and

(c) may designate a public officer as Secretary to the panel.

(6) The Chairman (or in his absence the Deputy Chairman) shall preside at all meetings of the panel.

(7) Subject to the provisions of the Act and these regulations the panel shall regulate its own procedure.”.

(6) In regulation 4 for “handicapped children, whether such children attend the school or not,” substitute “children with special needs,”.

(7) In regulation 5 for “handicapped child” on both occasions it appears substitute “child with special needs”.

Dated 12th November, 2009.

C G BELTRAN,
Minister with responsibility for Education and Training.

EXPLANATORY MEMORANDUM

These Regulations amend the Handicapped Children (Assessment Panel) Regulations by (a) renaming them and (b) clarifying which children fall within them and the composition of the panel.