



Education Act 1996

1996 CHAPTER 56

PART IV

SPECIAL EDUCATIONAL NEEDS

[^{F1}CHAPTER I

CHILDREN [^{F1}IN WALES] WITH SPECIAL EDUCATIONAL NEEDS

[^{F1} Special Educational Needs Tribunal [^{F2}for Wales]

Textual Amendments

- F1** Pt. 4 Ch. 1 repealed (1.9.2021 for the repeal of ss. 333(1ZA)(2)-(6), 334-335 and otherwise in force for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) (anaw 2), s. 100(3), **Sch. 1 para. 4(9)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, **art. 2**); S.I. 2021/1243, **art. 3** (with arts. 4-23) (as amended by S.I. 2021/1428, **art. 2**); S.I. 2021/1244, **art. 3** (with arts. 4-21) (as amended by S.I. 2021/1428, **art. 3**); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, **art. 3** (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, **art. 4**; S.I. 2022/894, **art. 3**; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, **art. 3** (with arts. 1(7), 4-22); S.I. 2022/897, **art. 3** (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F2** Words in s. 333 cross-heading inserted (1.9.2014) by [Children and Families Act 2014](#) (c. 6), s. 139(6), **Sch. 3 para. 30**; S.I. 2014/889, **art. 7(a)** (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

[^{F1}333 Constitution of ^{F3}... Tribunal.

^{F4}(1Z)

^{F1}(1ZA)

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- F5(1ZB)
- [^{F6}(1) The ^{F7}... Tribunal shall exercise the jurisdiction conferred on it by this Part.]
- ^{F1}(2)
- ^{F1}(3)
- ^{F1}(4)
- ^{F1}(4A)
- ^{F1}(5)
- ^{F1}(6)

Textual Amendments

- F3** Word in s. 333 title omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 31\(4\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F4** S. 333(1Z) omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\), art. 1\(1\), Sch. 3 para. 130\(b\)](#)
- F5** S. 333(1ZB) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 31\(2\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F6** S. 333(1) substituted (1.9.2002) by 2001 c. 10, ss. 42(1), 43(3), Sch. 8 para. 3 (with s. 43(13)); S.I. 2002/2217, [art. 3](#), Sch. 1 Pt. 1
- F7** Word in s. 333(1) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 31\(3\)\(a\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

Modifications etc. (not altering text)

- C1** S. 333: transfer of functions (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\), arts. 1\(1\), 3\(1\), 4, 5, Sch. 1 Table 1](#) (with Sch. 4)

^{F1}334 The President and members of the panels.

.....

^{F1}335 Remuneration and expenses.

.....

336 Tribunal procedure.

- (1) Regulations [^{F8}made by the Welsh Ministers] may make provision about the proceedings of the ^{F9}... Tribunal on an appeal under this Part and the initiation of such an appeal.
- (2) The regulations may, in particular, include provision—
 - (a) as to the period within which, and the manner in which, appeals are to be instituted,

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- (b) where the jurisdiction of the ^{F10}... Tribunal is being exercised by more than one tribunal—
 - (i) for determining by which tribunal any appeal is to be heard, and
 - (ii) for the transfer of proceedings from one tribunal to another,
 - (c) for enabling any functions which relate to matters preliminary or incidental to an appeal to be performed by the President, or by the chairman,
 - ^{F11}(d)
 - (e) for hearings to be conducted in the absence of any member other than the chairman,
 - (f) as to the persons who may appear on behalf of the parties,
 - (g) for granting any person such [^{F12}disclosure] or inspection of documents or right to further particulars as might be granted by [^{F13}the county court],
 - (h) requiring persons to attend to give evidence and produce documents,
 - (i) for authorising the administration of oaths to witnesses,
 - (j) for the determination of appeals without a hearing in [^{F14}circumstances prescribed in the regulations],
 - (k) as to the withdrawal of appeals,
 - (l) for the award of costs or expenses,
 - (m) for taxing or otherwise settling any such costs or expenses (and, in particular, for enabling such costs to be taxed in the county court),
 - (n) for the registration and proof of decisions and orders, [^{F15}and]
 - (o) for enabling the ^{F16}... Tribunal to review its decisions, or revoke or vary its orders, in such circumstances as may be determined in accordance with the regulations.
 - ^{F17}(p) enabling the ^{F18}... Tribunal to stay proceedings on an appeal, and
 - (q) for adding and substituting parties.]
- ^{F19}(2A) Proceeding before the ^{F20}... Tribunal shall be held in private, except in [^{F21}circumstances prescribed in the regulations].]
- ^{F22}(3) The Welsh Ministers may pay such allowances for the purpose of or in connection with the attendance of persons at the ^{F23}... Tribunal as the Welsh Ministers may determine.]
- (4) Part I of the ^{M1}Arbitration Act 1996 shall not apply to any proceedings before the ^{F24}... Tribunal but regulations [^{F25}made by the Welsh Ministers] may make provision corresponding to any provision of [^{F26}that Part].
- ^{F27}(4A) [^{F28}Regulations made under subsection (1)] may make provision for an appeal under this Part to be heard, in [^{F29}circumstances prescribed in the regulations], with a [^{F30}claim in relation to a contravention of Chapter 1 of Part 6 of the Equality Act 2010 so far as relating to disability.].]
- (5) Any person who without reasonable excuse fails to comply with—
 - (a) any requirement in respect of the discovery or inspection of documents imposed by the regulations by virtue of subsection (2)(g), or
 - (b) any requirement imposed by the regulations by virtue of subsection (2)(h),is guilty of an offence.
- ^{F31}(5A)
- (6) A person guilty of an offence under subsection (5) ^{F32}... is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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Textual Amendments

- F8** Words in s. 336(1) inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 133\(a\)\(i\)](#)
- F9** Word in s. 336(1) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 33\(1\)\(a\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F10** Word in s. 336(2)(b) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 33\(1\)\(b\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F11** Section 336(2)(d) repealed (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1)(6), 43(4)(e), [Sch. 8 para. 13\(2\)\(a\)](#), [Sch. 9](#) (with s. 43(13)); S.I. 2001/2217, art. 5, [Sch. Pt II](#) (as amended by S.I. 2001/2614, [art. 4](#)); S.I. 2001/3992, art. 5, [Sch. Pt. II](#)
- F12** Word in s. 336(2)(g) substituted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), [Sch. 8 para. 13\(2\)\(b\)](#) (with s. 43(13)); S.I. 2001/2217, art. 5, [Sch. Pt. II](#) (as amended by S.I. 2001/2614, [art. 4](#)); S.I. 2001/3992, art. 5, [Sch. Pt. II](#)
- F13** Words in s. 336(2)(g) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F14** Words in s. 336(2)(j) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 133\(b\)\(ii\)](#)
- F15** Word in s. 336(2)(n) omitted (10.2.2012) by virtue of [Education \(Wales\) Measure 2009 \(nawm 5\)](#), [ss. 7\(2\)](#), 26(3); S.I. 2012/320, art. 2(b)
- F16** Word in s. 336(2)(o) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 33\(1\)\(b\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F17** S. 336(2)(p)(q) inserted (10.2.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), [ss. 7\(3\)](#), 26(3) (as amended (5.5.2010) by S.I. 2010/1148, arts. 1, 5(2)); S.I. 2012/320, art. 2(b)
- F18** Word in s. 336(2)(p) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 33\(1\)\(b\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F19** S. 336(2A) inserted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), [Sch. 8 para. 13\(3\)](#) (with s. 43(13)); S.I. 2001/2217, art. 5, [Sch. Pt. II](#) (as amended by S.I. 2001/2614, [art. 4](#)); S.I. 2001/3992, art. 5, [Sch. Pt. II](#)
- F20** Word in s. 336(2A) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 33\(1\)\(c\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F21** Words in s. 336(2A) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 133\(c\)\(ii\)](#)
- F22** S. 336(3) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 133\(d\)](#)
- F23** Word in s. 336(3) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 33\(1\)\(d\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F24** Word in s. 336(4) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 33\(1\)\(e\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F25** Words in s. 336(4) inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 133\(e\)\(ii\)](#)

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- F26** Words in s. 336(4) substituted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), **Sch. 8 para. 13(4)** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F27** S. 336(4A) inserted (1.7.2002) by 2001 c. 10, s. 42(1), Sch. 8 para. 13(5) (with s. 43(13)); S.I. 2002/1721, art. 4, Sch. Pt. I
- F28** Words in s. 336(4A) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 133(f)(i)**
- F29** Words in s. 336(4A) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 133(f)(ii)**
- F30** Words in s. 336(4A) substituted by 2010 c. 15, Sch. 26 Pt. 1 para. 37 (as inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 1 para. 5**) (see S.I. 2010/2317, art. 2)
- F31** S. 336(5A) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 33(2)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F32** Words in s. 336(6) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 33(3)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

Modifications etc. (not altering text)

- C2** S. 336 applied (with modifications) (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

Marginal Citations

- M1** 1996 c. 23.

^{F34} ^{F33} 336ZA Special Educational Needs Tribunal for Wales

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Textual Amendments

- F33** S. 336ZA inserted (31.3.2003) by Education Act 2002 (c. 32), ss. 195, 216(3), **Sch. 18 para. 5** (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, art. 5, Sch. Pt. II
- F34** S. 336ZA omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 134**

^{F35} 336ZA Appeals from the ^{F36}... Tribunal to the Upper Tribunal

- (1) A party to any proceedings under this Part before the ^{F37}... Tribunal may appeal to the Upper Tribunal on any point of law arising from a decision made by the ^{F37}... Tribunal in those proceedings.
- (2) An appeal may be brought under subsection (1) only if, on an application made by the party concerned, the ^{F38}... Tribunal or the Upper Tribunal has given its permission for the appeal to be brought.
- (3) Section 12 of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to Upper Tribunal) applies in relation to appeals to the Upper Tribunal under this section as it applies in relation to appeals to it under section 11 of that Act, but as if references to the First-tier Tribunal were references to the ^{F39}... Tribunal.]

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Textual Amendments

- F35** S. 336ZB inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 135](#)
- F36** Word in s. 336ZB omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 34\(3\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F37** Word in s. 336ZB(1) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 34\(2\)\(a\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F38** Word in s. 336ZB(2) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 34\(2\)\(b\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F39** Word in s. 336ZB(3) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 34\(2\)\(c\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))

[^{F40}336A] Compliance with orders

- (1) If the Tribunal makes an order, the [^{F41}local authority] concerned must comply with the order before the end of the prescribed period beginning with the date on which it is made.
- [^{F42}(2) In subsection (1), “prescribed” means prescribed by regulations made [^{F43}by the Welsh Ministers with the agreement of the Secretary of State.]
- ^{F44}(a)
- ^{F45}(b)]]

Textual Amendments

- F40** S. 336A inserted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by [2001 c. 10, ss. 4, 43\(4\)\(a\)](#) (with s. 43(13)); S.I. 2001/2217, art. 5, [Sch. Pt. II](#) (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, [Sch. Pt. II](#)
- F41** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 7\(2\)](#) (with Sch. 2 para. 7(4)(5))
- F42** S. 336A(2) substituted (1.9.2003) by [Education Act 2002 \(c. 32\)](#), s. 216(3), [Sch. 18 para. 6](#) (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, art. 6, Sch. Pt. III
- F43** Words in s. 336A(2) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 35\(a\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F44** S. 336A(2)(a) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 35\(b\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F45** S. 336A(2)(b) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 35\(b\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)