

*Status: Point in time view as at 01/09/2022.*

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## SCHEDULES

### SCHEDULE 17

#### DISABLED PUPILS: ENFORCEMENT

##### Modifications etc. (not altering text)

- C1** Sch. 17: power to amend or repeal conferred (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), s. 18(2)(c) (as amended by [S.I. 2011/1651](#), [art. 12\(b\)](#)); [S.I. 2012/320](#), [art. 2\(g\)](#))

#### PART 2

#### TRIBUNALS IN ENGLAND AND WALES

##### *Procedure*

- 6 (1) This paragraph applies in relation to the Welsh Tribunal.
- (2) The Welsh Ministers may by regulations make provision as to—
- (a) the proceedings on a claim under paragraph <sup>F1</sup>... [<sup>F2</sup>3A];
  - (b) the making of a claim.
- (3) The regulations may, in particular, include provision—
- (a) as to the manner in which a claim must be made;
  - (b) for enabling functions relating to preliminary or incidental matters (including in particular a decision under paragraph 4(3) to be performed by the President or by the person occupying the chair);
  - (c) enabling hearings to be conducted in the absence of a member other than the person occupying the chair;
  - [<sup>F3</sup>(ca) for adding and substituting parties;]
  - (d) as to persons who may appear on behalf of the parties;
  - (e) for granting such rights to disclosure or inspection of documents or to further particulars as may be granted by the county court;
  - (f) requiring persons to attend to give evidence and produce documents;
  - (g) for authorising the administration of oaths to witnesses;
  - (h) for deciding claims without a hearing in prescribed circumstances;
  - (i) as to the withdrawal of claims;
  - (j) for enabling the Tribunal to stay proceedings;
  - (k) for the award of costs or expenses;
  - (l) for settling costs or expenses (and, in particular, for enabling costs to be assessed in the county court);
  - (m) for the registration and proof of decisions and orders;

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- (n) for enabling prescribed decisions to be reviewed, or prescribed orders to be varied or revoked, in such circumstances as may be decided in accordance with the regulations.
- (4) Proceedings must be held in private, except in prescribed circumstances.
- (5) The Welsh Ministers may pay such allowances for the purpose of or in connection with the attendance of persons at the Tribunal as they may decide.
- (6) Part 1 of the Arbitration Act 1996 does not apply to the proceedings, but regulations may make provision in relation to such proceedings that corresponds to a provision of that Part.
- (7) The regulations may make provision for a claim to be heard, in prescribed circumstances, with an appeal under [F<sup>4</sup>Part 4 of the Education Act 1996 (special educational needs)] [F<sup>4</sup>Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018].
- (8) A person commits an offence by failing to comply with—
  - (a) a requirement in respect of the disclosure or inspection of documents imposed by virtue of sub-paragraph (3)(e), or
  - (b) a requirement imposed by virtue of sub-paragraph (3)(f).
- (9) A person guilty of the offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Textual Amendments

- F1** Words in Sch. 17 para. 6(2)(a) omitted (E.W.) (1.9.2021) by virtue of [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), [Sch. 1 para. 19\(5\)\(e\)\(i\)](#); S.I. 2021/373, art. 8(j)(xxxiii)
- F2** Words in Sch. 17 para. 6(2)(a) inserted (E.W.) (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), s. 11(2)(a) (as substituted (6.7.2011) by The Right of a Child to Make a [Disability Discrimination Claim \(Schools\) \(Wales\) Order 2011 \(S.I. 2011/1651\)](#), [art. 5](#); S.I. 2012/320, [art. 2\(d\)](#))
- F3** Sch. 17 para. 6(3)(ca) inserted (E.W.) (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), s. 11(2)(b) (as substituted (6.7.2011) by The Right of a Child to Make a [Disability Discrimination Claim \(Schools\) \(Wales\) Order 2011 \(S.I. 2011/1651\)](#), [art. 5](#); S.I. 2012/320, [art. 2\(d\)](#))
- F4** Words in Sch. 17 para. 6(7) substituted (1.9.2021 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. 19\(5\)\(e\)\(ii\)](#); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3(o)(xviii); S.I. 2021/1244, art. 3(o)(xviii); S.I. 2021/1245, arts. 3(o)(xviii), 4 (with art. 1(4)); S.I. 2022/891, art. 3(o)(xix) (with arts. 1, 2, 4-25); S.I. 2022/892, art. 3(o)(xix) (with arts. 1, 2, 4-18); S.I. 2022/893, art. 4 (with art. 1(2)); S.I. 2022/894, art. 3(o)(xviii) (with arts. 1(2), art. 1, 2); S.I. 2022/895, arts. 3(o)(xix), 4; S.I. 2022/896, art. 3(o)(xix) (with arts. 1(2), art. 2, 4-22); S.I. 2022/897, art. 3(o)(xix) (with arts. 1(2), art. 1(8), 2, 4-21); S.I. 2022/898, arts. 2(o)(xix), 3

#### Commencement Information

- II** Sch. 17 para. 6 wholly in force; Sch. 17 not in force at Royal Assent see s. 216; Sch. 17 para. 6(1)-(7) in force for certain purposes at 6.7.2010 by [S.I. 2010/1736](#), [art. 2](#), [Sch.](#); Sch. 17 Pt. 2 in force at 1.10.2010 in so far as not already in force by [S.I. 2010/2317](#), [art. 2\(1\)\(9\)\(k\)\(i\)](#) (with [art. 15](#), and subject to transitional provision in [art. 7](#))

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