



Education (Wales) Measure 2009

2009 nawm 5

PART 1

EDUCATION APPEALS AND CLAIMS BY CHILDREN

Piloting

19 Interpretation of sections 17 and 18

(1) In sections 17 and 18—

“child” (“plentyn”) includes any person who has not attained the age of 19 and is a registered pupil at a school;

“disabled child” (“plentyn anabl”) has the same meaning as in section 28IB of the Disability Discrimination Act 1995;

“local authorities” (“awdurdodau lleol”) means local education authorities in Wales;

“maintained school” (“ysgol a gynhelir”) means any community, foundation or voluntary school or any community or foundation special school not established in a hospital;

“maintained nursery school” (“ysgol feithrin a gynhelir”) means a nursery school which is maintained by a local education authority and which is not a special school;

“parent” (“rhiant”) has the meaning given in section 576 of the Education Act 1996;

“proprietor” (“perchennog”) in relation to a school means the person or body of persons responsible for the management of the school (so that in relation to a community, foundation or voluntary school or a community or foundation special school, or a maintained nursery school, it means the governing body);

“relevant school” (“ysgol berthnasol”) means—

- (a) a maintained school or a maintained nursery school,
- (b) a pupil referral unit,

Status: This is the original version (as it was originally enacted).

- (c) an independent school named in the statement maintained for the child under section 324 of the Education Act 1996, or
 - (d) a school approved under section 342 of the Education Act 1996;
- “Welsh Tribunal” (“Tribiwnlys Cymru”) means the Special Educational Needs Tribunal for Wales.
- (2) The body responsible for a school is to be determined for the purposes of section 17(2)(c) and 18(1)(g)(iii) in accordance with paragraph 1 of Schedule 4A to the Disability Discrimination Act 1995.
- (3) A local authority is responsible for a child for the purposes of section 17(2)(a) if the child is in its area and—
- (a) the child is a registered pupil at a maintained school or a maintained nursery school,
 - (b) education is provided for the child at a school which is not a maintained school or maintained nursery school, but is so provided at the expense of the authority,
 - (c) the child does not come within (a) or (b), but is a registered pupil at a school and has been brought to its attention as having (or probably having) special educational needs, or
 - (d) the child is not a registered pupil at a school, but is not under the age of two or over compulsory school age and has been brought to its attention as having (or probably having) special educational needs.