



# Special Educational Needs and Disability Act 2001

## 2001 CHAPTER 10

### PART 3 **E+W+S**

#### SUPPLEMENTARY

#### 41 Expenses of Secretary of State **E+W+S**

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums so payable under any other enactment.

#### Commencement Information

- II** S. 41 wholly in force at 1.9.2002; s. 41 not in force at Royal Assent see s. 43(3); s. 41 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 2](#); s. 41 in force for W. at 1.4.2002 by [S.I. 2001/3992, art. 5, Sch. Pt. II](#); s. 41 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. Pt. 1](#)

#### 42 Minor amendments and repeals **E+W+S**

- (1) Schedule 8 makes minor and consequential amendments.
- (2) <sup>F1</sup>.....
- (3) If, as a result of any other amendment made by Part 1 of that Schedule, a power to make regulations is conferred, that power is exercisable so far as it relates to Wales by the National Assembly for Wales.
- (4) But each of the powers conferred as a result of subsection (3)—
  - (a) is to be treated as if it had been transferred to the National Assembly for Wales by an Order in Council under section 22 of the Government of Wales Act 1998 (c. 38); and

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- (b) that transfer may be revoked by an Order in Council under that section.
- (5) For the purposes of section 22 of the Government of Wales Act 1998, an Order in Council made as a result of subsection (4)(b) is to be treated as if it were revoking a previous Order in Council.
- (6) The repeals set out in Schedule 9 have effect.

#### Textual Amendments

- F1** S. 42(2) repealed (1.9.2003) by [Education Act 2002 \(c. 32\)](#), ss. 195, 215(2), [Sch. 18 para. 16](#), [Sch. 22 Pt. 2](#); [S.I. 2002/3185](#), [art. 6](#)

#### Commencement Information

- I2** S. 42 wholly in force at 1.9.2002; s. 42(1)-(4) in force for specified purposes at Royal Assent, see s. 43(3); s. 42(1) in force for E. for specified purposes at 15.6.2001 and s. 42 in force for E. in so far as not already in force at 1.1.2002 by [S.I. 2001/2217](#), arts. 4, 5, [Sch. Pts. I, II](#); [S.I. 2001/2614](#), [art. 4](#); S. 42(1)(6) in force for W. for specified purposes and s. 42(2)-(4) in force for W. in so far as not already in force at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#); s. 42(1) in force for W. for specified purposes at 21.1.2002 and 1.4.2002 and s. 42(6) in force for W. for specified purposes at 1.4.2002 by [S.I. 2002/74](#), arts. {4}, {5}, [Sch. Pts. I, II](#); s. 42 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), [art. 3](#), [Sch. Pt. 1](#)

### 43 Short title, interpretation, commencement and extent **E+W+S**

- (1) This Act may be cited as the Special Educational Needs and Disability Act 2001.
- (2) In this Act—  
     “the 1995 Act” means the Disability Discrimination Act 1995 (c. 50); and  
     “the 1996 Act” means the Education Act 1996 (c. 56).
- (3) Except as provided in subsections (4) and (6), this Act (apart from this section) comes into force on such day as the Secretary of State may appoint by order.
- (4) The following provisions of this Act come into force on the day on which it is passed—  
     (a) section 4,  
     (b) section 5,  
     (c) section 9,  
     (d) section 42(2) to (4), and  
     (e) paragraphs 6 to 10, 13(1) to (4) and 14(3) of Schedule 8 (and section 42(1) so far as relating to those provisions),  
     but only so far as is necessary for enabling the making of any regulations for which they provide.
- (5) Nothing in subsection (4) affects the operation of section 13 of the Interpretation Act 1978 (c. 30) in relation to this Act.
- (6) The following provisions come into force as respects Wales on such day as the National Assembly for Wales may appoint by order—  
     (a) sections 1 to 3;  
     (b) sections 7 and 8;  
     (c) section 9 (so far as not brought into force by subsection (4));

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- (d) sections 14 and 15;
  - (e) section 22, so far as it gives the National Assembly for Wales power to give directions under section 28M(1) or (3) of the 1995 Act or makes provision in relation to such a direction;
  - (f) subsections (1) and (6) of section 42 (but only in so far as they relate to the provisions mentioned in paragraphs (g) to (i));
  - (g) in Part 1 of Schedule 8—
    - (i) paragraphs 1, 5, 11 and 12; and
    - (ii) paragraphs 6 to 10 and 14 (so far as not brought into force by subsection (4));
  - (h) in Part 2 of that Schedule, paragraphs 16 to 18; and
  - (i) in Schedule 9, the entries relating to—
    - (i) the Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33); and
    - (ii) section 325(1) of, and Schedule 27 to, the 1996 Act.
- (7) Different days may be appointed for different provisions and for different purposes.
- (8) An order under this section—
- (a) must be made by statutory instrument; and
  - (b) may contain incidental, supplemental, consequential or transitional provisions and savings.
- (9) Subsection (10) applies to an order bringing any provision made by—
- (a) section 28, or
  - (b) paragraph 2 or 6 of Schedule 5,
- into force.
- (10) The order may, in particular, include provision for the duty imposed by section 28T(1) of the 1995 Act to have effect with such modifications as may be specified in the order for a period which ends—
- (a) on a date so specified; or
  - (b) on the making by the Secretary of State of an order made by statutory instrument bringing the period to an end.
- (11) Amendments made by this Act to the 1996 Act have the same extent as that Act.
- (12) Parts 2 and 3 do not extend to Northern Ireland.
- (13) Nothing in this Act shall impose any charge on the people or on public funds, or vary the amount or incidence of or otherwise alter any such charge in any manner, or affect the assessment, levying, administration or application of any money raised by any such charge.

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#### Subordinate Legislation Made

- P1** S. 43(3) power partly exercised: different dates appointed (E.) for specified provisions and for specified purposes by [S.I. 2001/2217](#), arts. 4, 5, [Sch. Pts. I, II](#) (as amended by [S.I. 2001/2614](#), [art. 4](#))
- s. 43(3) power partly exercised: different dates appointed (W.) for specified provisions and specified purposes by [S.I. 2001/3992](#), arts. 4, 5, [Sch. Pts. I, II](#)
- P2** S. 43(3) power partly exercised: 1.7.2002 appointed for specified provisions by [{S.I. 2002/1721}](#), arts. 3, 4

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- P3** S. 43(3) power partly exercised: 30.5.2002 appointed for specified provisions and certain purposes by {[S.I. 2002/1647](#)}, art. 3
- P4** S. 43(3) power partly exercised: 1.9.2002 appointed for specified provisions and specific purposes by {[S.I. 2002/2217](#)}, art. 3
- P5** S. 43(6)(7) power partly exercised: different dates appointed for specified provisions by {[S.I. 2002/74](#)}, art. 4

**Changes to legislation:**

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