

Status: Point in time view as at 01/09/2021.

Changes to legislation: Equality Act 2010, Cross Heading: Procedure is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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 ^{F1}... [^{F2}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;
 - [^{F3}(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 [F4Part 4 of the Education Act 1996 (special educational needs)][F4Part 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 (E.W.) (1.9.2021 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)

Commencement Information

- I1** 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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