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STATUTORY INSTRUMENTS

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**2002 No. 74 (W.8) (C.1)**

**EDUCATION, WALES**

The Special Educational Needs and Disability  
Act 2001 (Commencement) (Wales) Order 2002

Made - - - - 17th January 2002

The National Assembly for Wales, in exercise of the power conferred upon it by section 43(6) and (7) of the Special Educational Needs and Disability Act 2001<sup>(1)</sup>, hereby makes the following Order:

**Citation, Application and Interpretation**

1. This Order may be cited as the Special Educational Needs and Disability Act 2001 (Commencement) (Wales) Order 2002.
2. This Order applies only in relation to Wales.
3. In this Order, unless otherwise stated, references to sections and Schedules are references to sections of and Schedules to the Special Educational Needs and Disability Act 2001.

**Appointed days**

4. The day appointed for the coming into force of the provisions specified in Part I of the Schedule to this Order is 21st January 2002.
5. The day appointed for the coming into force of the provisions specified in Part II of the Schedule to this Order is 1st April 2002.

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**Status:** *This is the original version (as it was originally made). Wales  
Statutory Instruments are not carried in their revised form on this site.*

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Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of  
Wales Act 1998(2)

17th January 2002

*John Marek*  
The Deputy Presiding Officer of the National  
Assembly

## SCHEDULE

Articles 4 and 5

## PART I

## PROVISIONS COMING INTO FORCE ON 21st JANUARY 2002

PROVISION	SUBJECT MATTER
Section 1 (in so far as is necessary for the purpose of making any regulations for which it provides)	Education in mainstream schools of children with special educational needs
Section 8 (in so far as is necessary for the purpose of making any regulations for which it provides)	Review or assessment of special educational needs at request of responsible body
Section 42(1) (so far as it relates to the provisions of Schedule 8 set out in this table)	Minor and Consequential amendments
Paragraphs 17 and 18 of Schedule 8 (so far as is necessary for the purpose of making any regulations for which they provide)	The Disabled Persons (Services, Consultation and Representation) Act 1986

## PART II

## PROVISIONS COMING INTO FORCE ON 1ST APRIL 2002

PROVISION	SUBJECT MATTER
Section 1 (to the extent not already in force) special educational needs	Education in mainstream schools of children with
Section 2	Advice and information for parents
Section 3	Resolution of disputes
Section 7	Duty to inform parent where special educational provision made
Section 8 (to extent not already in force)	Review or assessment of special educational needs at request of responsible body
Section 9	Duty to specify named school
Section 42(1) (to extent not already in force) in so far as it relates to the provisions of Schedule 8 specified below.	Minor amendments and repeals
Section 42(6) in so far as it relates to the provisions of Schedule 9 specified below	
In Schedule 8, paragraphs 1, 5 to 12, 14, 16 to 18 (to extent not already in force)	Minor and Consequential amendments
In Schedule 9 the repeals in so far as they relate to Wales of—	

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PROVISION	SUBJECT MATTER
in the Disabled Persons (Services, Consultation and Representation) Act 1986, section 5(1)(3); in the Education Act 1996(4)— in section 325(1), the words “, and of the effect of subsection (2) below”; in Schedule 27, paragraph 3(4), paragraph 8(1)(b)(iii), in paragraph 9(1) the words “amend, or” and “10 or”, and paragraph 10.	

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the coming into force in Wales on 21st January 2002 of certain provisions of the Special Educational Needs and Disability Act 2001 to allow regulations relating to special educational needs (SEN) to be made in advance of the commencement of the balance of the provisions of the Act relating to SEN.

It also provides for the coming into force in Wales on 1st April 2002 of the other provisions in the Act relating to SEN, including provisions relating to the education of children with SEN in mainstream schools, the provision of advice and information to parents of children with SEN, and arrangements for the resolution of disputes about SEN related issues, the identification and assessment of special educational needs and amending statements of SEN.

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(3) 1986 c. 33.  
(4) 1996 c. 56.