



Special Educational Needs and Disability Act 2001

2001 CHAPTER 10

PART 2

DISABILITY DISCRIMINATION IN EDUCATION

CHAPTER 1

SCHOOLS

Enforcement

22 Roles of the Secretary of State and the National Assembly

In the 1995 Act, insert the following section—

“28M Roles of the Secretary of State and the National Assembly

- (1) If the appropriate authority is satisfied (whether on a complaint or otherwise) that a responsible body—
 - (a) has acted, or is proposing to act, unreasonably in the discharge of a duty imposed by or under section 28D or 28E, or
 - (b) has failed to discharge a duty imposed by or under either of those sections,it may give that body such directions as to the discharge of the duty as appear to it to be expedient.
- (2) Subsection (3) applies in relation to—

Status: This is the original version (as it was originally enacted).

- (a) special schools which are not maintained special schools but which are approved by the Secretary of State, or by the National Assembly, under section 342 of the Education Act 1996; and
 - (b) city academies.
- (3) If the appropriate authority is satisfied (whether on a complaint or otherwise) that a responsible body—
- (a) has acted, or is proposing to act, unreasonably in the discharge of a duty which that body has in relation to—
 - (i) the provision to the appropriate authority of copies of that body’s accessibility plan, or
 - (ii) the inspection of that plan, or
 - (b) has failed to discharge that duty,
- it may give that body such directions as to the discharge of the duty as appear to it to be expedient.
- (4) Directions may be given under subsection (1) or (3) even if the performance of the duty is contingent upon the opinion of the responsible body.
- (5) Subsection (6) applies if the Tribunal has made an order under section 28I(3).
- (6) If the Secretary of State is satisfied (whether on a complaint or otherwise) that the responsible body concerned—
- (a) has acted, or is proposing to act, unreasonably in complying with the order, or
 - (b) has failed to comply with the order,
- he may give that body such directions as to compliance with the order as appear to him to be expedient.
- (7) Directions given under subsection (1), (3) or (6)—
- (a) may be varied or revoked by the directing authority; and
 - (b) may be enforced, on the application of the directing authority, by a mandatory order obtained in accordance with section 31 of the Supreme Court Act 1981.
- (8) “Appropriate authority” means—
- (a) in relation to England, the Secretary of State; and
 - (b) in relation to Wales, the National Assembly.
- (9) “Directing authority” means—
- (a) the Secretary of State in relation to a direction given by him; and
 - (b) the National Assembly in relation to a direction given by it.”