

**Changes to legislation:** Education Act 2002, SCHEDULE 18 is up to date with all changes known to be in force on or before 21 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) View outstanding changes

## SCHEDULES

### SCHEDULE 18

Section 195

#### SPECIAL EDUCATIONAL NEEDS TRIBUNAL FOR WALES

##### *Special Educational Needs*

1 The Education Act 1996 (c. 56) is amended as follows.

##### **Commencement Information**

**I1** Sch. 18 para. 1 in force at 31.3.2003 by [S.I. 2002/3185](#), art. 5, [Sch. Pt. II](#)

2 In section 313 (code of practice), for subsection (5) there is substituted—

“(5) In this Part (except sections 333 to 336), “the Tribunal”, in relation to an appeal, means—

- (a) where the [<sup>F1</sup>local authority] concerned is in England, the Special Educational Needs and Disability Tribunal,
- (b) where the [<sup>F1</sup>local authority] concerned is in Wales, the Special Educational Needs Tribunal for Wales.”

##### **Textual Amendments**

**F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 11\(2\)](#)

##### **Commencement Information**

**I2** Sch. 18 para. 2 in force at 1.9.2003 by [S.I. 2002/3185](#), art. 6, [Sch. Pt. III](#)

3 In section 326A (unopposed appeals), for subsection (6) there is substituted—

“(6) In this section, “prescribed” means prescribed by regulations made—

- (a) in relation to an appeal to the Special Educational Needs and Disability Tribunal, by the Secretary of State,
- (b) in relation to an appeal to the Special Educational Needs Tribunal for Wales, by the National Assembly for Wales.”

##### **Commencement Information**

**I3** Sch. 18 para. 3 in force at 1.9.2003 by [S.I. 2002/3185](#), art. 6, [Sch. Pt. III](#)

<sup>F2</sup>4 .....

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**Textual Amendments**

**F2** Sch. 18 para. 4 repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 228(k)**

**F3**5 .....

**Textual Amendments**

**F3** Sch. 18 para. 5 repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 228(k)**

6 In section 336A, for subsection (2) there is substituted—

- “(2) In subsection (1), “prescribed” means prescribed by regulations made—
- (a) as to orders of the Special Educational Needs and Disability Tribunal, by the Secretary of State,
  - (b) as to orders of the Special Educational Needs Tribunal for Wales, by the National Assembly for Wales with the agreement of the Secretary of State.”

**Commencement Information**

**I4** Sch. 18 para. 6 in force at 1.9.2003 by [S.I. 2002/3185](#), art. 6, **Sch. Pt. III**

*Disability Discrimination*

**F4**7 .....

**Textual Amendments**

**F4** Sch. 18 paras. 7-12 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

**F4**8 .....

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**F4**9 .....

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**F4**10 .....

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**F4**<sup>11</sup> .....

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**13** Section 10 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33) (consultation on appointments) is not to apply to appointments to the lay panel appointed for the [<sup>F5</sup>Education Tribunal for Wales under section 91(5) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018].

**Textual Amendments**

**F5** Words in Sch. 18 para. 13 substituted (1.9.2021) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), [Sch. 1 para. 6\(d\)\(v\)](#); S.I. 2021/373, art. 8(j)(xvi)

**Commencement Information**

**I5** Sch. 18 para. 13 in force at 31.3.2003 by [S.I. 2002/3185](#), art. 5, [Sch. Pt. II](#)

*Consequential amendments*

**14** In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (disqualifying offices) there is inserted in the appropriate place—

“President of the Special Educational Needs Tribunal for Wales, or member of a panel of persons appointed to act as chairman or other member of that Tribunal.”

**Commencement Information**

**I6** Sch. 18 para. 14 in force at 31.3.2003 by [S.I. 2002/3185](#), art. 5, [Sch. Pt. II](#)

**15** In Schedule 1 to the Tribunals and Inquiries Act 1992 (c. 53) (bodies subject to the supervision of the Council), in paragraph 40B—

(a) the existing entry becomes sub-paragraph (a), and

(b) after that sub-paragraph there is inserted—

“(b) the Special Educational Needs Tribunal for Wales.”

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**Commencement Information**

**I7** Sch. 18 para. 15 in force at 31.3.2003 by [S.I. 2002/3185](#), art. 5, **Sch. Pt. II**

16 In section 42 of the Special Educational Needs and Disability Act 2001 (c. 10), subsection (2) (National Assembly for Wales and functions under section 336 of the Education Act 1996 (c. 56)) is omitted.

**Commencement Information**

**I8** Sch. 18 para. 16 in force at 1.9.2003 by [S.I. 2002/3185](#), art. 6, **Sch. Pt. III**

*Saving and transitional provision*

17 The amendments made by any provision of this Schedule do not affect—

- (a) appeals instituted under Part 4 of the Education Act 1996, or
- (b) claims made under section 28I of the Special Educational Needs and Disability Act 2001,

before the coming into force of that provision.

**Commencement Information**

**I9** Sch. 18 para. 17 in force at 1.9.2003 by [S.I. 2002/3185](#), art. 6, **Sch. Pt. III**

18 Regulations made, or having effect as if made, under any of sections 326A and 333 to 336A of the Education Act 1996 in relation to the Special Educational Needs and Disability Tribunal have effect in relation to the Special Educational Needs Tribunal for Wales until superseded by regulations made in relation to that Tribunal, but as if references to the Secretary of State were references to the National Assembly for Wales.

**Commencement Information**

**I10** Sch. 18 para. 18 in force at 1.9.2003 by [S.I. 2002/3185](#), art. 6, **Sch. Pt. III**

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**Changes and effects yet to be applied to :**

- Sch. 18 para. 1-3 omitted by [2018 anaw 2 Sch. 1 para. 6\(d\)\(iv\)](#)
- Sch. 18 para. 6 omitted by [2018 anaw 2 Sch. 1 para. 6\(d\)\(iv\)](#)
- Sch. 18 para. 15 omitted by [2018 anaw 2 Sch. 1 para. 6\(d\)\(iv\)](#)
- Sch. 18 para. 17 and cross-heading omitted by [2018 anaw 2 Sch. 1 para. 6\(d\)\(iv\)](#)
- Sch. 18 para. 18 omitted by [2018 anaw 2 Sch. 1 para. 6\(d\)\(iv\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)