

*Status: Point in time view as at 28/03/2016.*

*Changes to legislation: Equality Act 2010, Cross Heading: Procedure is up to date with all changes known to be in force on or before 21 May 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 3 [<sup>F1</sup>or 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;
  - [<sup>F2</sup>(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 Part 4 of the Education Act 1996 (special educational needs).
- (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\(2\)\(a\)](#) 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\(d\)](#)
- F2** [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\(d\)](#)

#### Commencement Information

- II** [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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