

EDUCATION (WALES) MEASURE 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Education Appeals and Claims by Children

Disability Discrimination Claims

Sections 9 - 16 insert new provisions into the Disability Discrimination Act 1995

Section 18 - Power to make provision about appeals and claims by a child

85. This section provides the Welsh Ministers with a power to make provision by order about the matters being piloted. This includes a power to add, remove or modify rights, to amend or repeal provisions of Part 4 of the Education Act 1996 and Part 4 of the Disability Discrimination Act 1995, and to make consequential amendments and repeals to provisions of those Acts. The purpose of the power is to enable the Welsh Ministers to make further provision about the rights of children to make appeals and claims in the light of information gathered during the pilot phase. The power will also allow the Welsh Ministers to modify the rights in order to address any issues that only become apparent after the Measure is rolled out generally across Wales, subject to a 24 month time limit for the use of the order making power which starts from the end of the pilot phase.
86. Subsection (3) states that the power to make an order under this section cannot be exercised before the pilot report required by section 17(3) is laid before the National Assembly for Wales, or after 24 months from the last day of the pilot period specified in regulations under subsection 17(1).