

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 15 - Role of the Welsh Ministers

73. This section amends the roles of the Secretary of State and the Welsh Ministers under section 28M of the Disability Discrimination Act 1995.
74. Subsection (2) inserts a new subsection (1A). The provision enables the Welsh Ministers to issue directions to a Local Education Authority where the Local Education Authority acts or proposes to act unreasonably in the discharge of its disability discrimination duties imposed by this Measure, or where it has failed to discharge those duties.
75. Subsection (3) amends section 28M(4) so that the Welsh Ministers may issue directions to a Local Education Authority under new subsection (1A) even if the performance of the Local Education Authority's duty is contingent upon the opinion of the Local Education Authority.
76. Subsection (5) inserts new subsections (6A) and (6B). These provisions, when read together with subsection (4), remove the Secretary of State's direction giving function with regard to non compliance with the Tribunal's order and confer that function on the Welsh Ministers.
77. Subsection (6) amends section 28M(7) so that directions given by the Welsh Ministers under new subsection (1A) may be varied or revoked and enforced on the application of the Welsh Ministers by an order of the court.