

SCHEDULE

(introduced by section 23)

MINOR AND CONSEQUENTIAL AMENDMENTS

Education Act 1996 (c. 56)

- 1 Amend the Education Act 1996 as follows.
- 2 In section 326(4) (appeal against contents of the statement)—
 - (a) in paragraph (b), omit the full stop and after “school” insert “, or”;
 - (b) after paragraph (b) insert—
 - “(c) in the case of proceedings relating to a statement maintained by a local education authority in Wales only, the child has proposed the school in the proceedings (whether or not the parent, the local education authority or both have also proposed the school).”.
- 3 In section 326A (unopposed appeals), in subsection (1)(a), for “the parent of a child has appealed to the Tribunal under section 325, 328, 329 or 329A or paragraph 8(3) of Schedule 27 against a decision of a local education authority, and” substitute—

“either—

 - (i) the parent of a child has appealed to the Tribunal under section 325, 328, 329 or 329A or paragraph 8(3) of Schedule 27 against a decision of a local education authority in England or Wales, or
 - (ii) the child has appealed to the Tribunal under section 325, 328, 329 or 329A or paragraph 8(3) of Schedule 27 against a decision of a local education authority in Wales, and”.
- 4 In section 333 (constitution of Welsh Tribunal), in subsection (1ZB), for “this section and sections 334 to 336ZB” substitute “this Part”.
- 5 In Schedule 27 (making and maintenance of statements under section 324)—
 - (a) in paragraph 8(1)(b)(iv), for “the parent has appealed” substitute “there is an appeal”;
 - (b) in paragraph 11(4), for “the parent of the child appeals” substitute “there is an appeal”;
 - (c) in paragraph 11(5)(a), for “the parent of the child has appealed” substitute “there has been an appeal”.

Disability Discrimination Act 1995 (c. 50)

- 6 Amend the Disability Discrimination Act 1995 as follows.
- 7 In section 28G (residual duty: supplementary provisions), in subsection (5), after “28I,” insert “28IA,”.
- 8 In section 28P (validity and revision of agreements of responsible bodies) in subsection (2)(a), after “28I” insert “, 28IA”.
- 9 In Schedule 3 (enforcement and procedure), Part 3 (discrimination in schools)—
 - (a) in paragraph 9 (restriction on proceedings for breach of Part 4, Chapter 1), in sub-paragraph (1), after “28I,” insert “28IA,”;
 - (b) in paragraph 10 (period within which proceedings may be brought), in sub-paragraph (1), after “28I” insert “or section 28IA”;

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

- (c) in paragraph 10(2)—
 - (i) after “28I” insert “or section 28IA”;
 - (ii) before “section 27 of the Equality Act 2006” insert “section 28ID of this Act or”;
- (d) in paragraph 10(3), after “28I” insert “or section 28IA”;
- (e) in paragraph 11 (evidence) in sub-paragraph (1B), after “28I,” insert “28IA,”.

Education and Inspections Act 2006 (c. 40)

10 Section 162 of the Education and Inspections Act 2006 is amended as follows.

11 For subsection (5A) substitute—

“(5A) The Welsh Ministers may by order—

- (a) make such provision as appears to them to be appropriate for the purpose of—
 - (i) repealing any reference in a Measure of the National Assembly for Wales to a local education authority (however expressed), and
 - (ii) replacing it, where it appears to them to be appropriate, with a reference (however expressed) to a Welsh local authority;
- (b) make such provision as appears to them to be appropriate in consequence of or in connection with any provision made by virtue of paragraph (a).

(5B) An order under subsection (5A) may make provision modifying any enactment whenever passed or made, and may, in particular, make provision of the kind specified in paragraphs (a) to (e) of subsection (2).”.

After subsection (6) insert—

- 12 “(7) In interpreting paragraphs (a) to (e) of subsection (2) for the purposes of subsection (5B), “statutory provision” also includes any provision of a Measure of the National Assembly for Wales, including any Measure passed after the Education (Wales) Measure 2009.”.