
WELSH STATUTORY INSTRUMENTS

2012 No. 321 (W.52)

EDUCATION, WALES

The Education (Wales) Measure 2009 (Pilot) Regulations 2012

<i>Made</i>	- - - -	<i>8 February 2012</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>13 February 2012</i>
<i>Coming into force</i>	- -	<i>6 March 2012</i>

The Welsh Ministers, in exercise of the powers conferred on them by section 17(1) and (2) of the Education (Wales) Measure 2009⁽¹⁾ make the following Regulations:

Title, commencement and expiry

1.—(1) The title of these Regulations is the Education (Wales) Measure 2009 (Pilot) Regulations 2012 and they come into force on 6 March 2012.

(2) These Regulations cease to have effect at the end of 30 June 2015.

Interpretation

2. In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996⁽²⁾;

“the 2010 Act” (“*Deddf 2010*”) means the Equality Act 2010⁽³⁾;

“pilot period” (“*cyfnod treialu*”) means the period beginning on 6 March 2012 and ending at the end of 30 June 2015; and

“Tribunal” (“*Tribiwnlys*”) means the Special Educational Needs Tribunal for Wales.

Specified local authorities and areas

3. For the purpose of section 17(2) of the Education (Wales) Measure 2009, Carmarthenshire County Council and Wrexham County Borough Council are specified local authorities and their areas are specified areas.

(1) 2009 [nawm 5](#) as amended by S.I. 2011/1651 (W.187).

(2) 1996 c. 56.

(3) 2010 c. 15.

Right of a Child to make an appeal or claim to the Tribunal

4. During the pilot period—

- (a) a child may make an appeal to the Tribunal in accordance with section 322ZA of the 1996 Act only if a specified local authority is responsible for the child;
- (b) a person may make a claim to the Tribunal in accordance with paragraph 3A of Schedule 17 to the 2010 Act that a responsible body for a school has contravened Chapter 1 of Part 6 of the 2010 Act only if the school is in a specified area;
- (c) the duties imposed on local authorities by sections 332ZB, 332AA, 332BA and 332BB of the 1996 Act apply only to the specified local authorities; and
- (d) the duties imposed on local authorities by paragraphs 6B, 6C and 6D of Schedule 17 to the 2010 Act apply only to the specified local authorities.

Information

5. The Tribunal, a specified local authority and a responsible body for a school in a specified area, must as soon as reasonably practicable after receiving a request give such information to the Welsh Ministers as they may require for the purpose of assessing, monitoring and evaluating the operation of the piloted provisions.

8 February 2012

Leighton Andrews
Minister for Education and Skills, one of the
Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations made under section 17(1) and (2) of the Education (Wales) Measure 2009 (“the 2009 Measure”) come into force on 6 March 2012.

These Regulations make provision to pilot the provisions of the Education Act 1996 and the Equality Act 2010 as amended by Part 1 of the 2009 Measure.

The effect of these Regulations when taken together with provisions in the Commencement Order that brings Part 1 of the 2009 Measure into force on 6 March 2012 is that those provisions will apply only for the purposes of piloting in the local authority areas of Carmarthenshire and Wrexham. Once these Regulations cease to have effect the provisions in Part 1 of the 2009 Measure will automatically apply to the whole of Wales.

Regulation 2 defines the pilot period.

Regulation 3 specifies that Carmarthenshire County Council and Wrexham County Borough Council and their respective areas will pilot the new duties and rights.

Regulation 4 makes provision about entitlement to make a special educational needs appeal or a claim of disability discrimination to the Special Educational Needs Tribunal for Wales (“the Tribunal”) during the pilot period and specifies the duties imposed on Carmarthenshire County Council and Wrexham County Borough Council during the pilot period.

Regulation 5 makes provision for the Welsh Ministers to request information from the Tribunal, or Carmarthenshire County Council, or Wrexham County Borough Council, or a responsible body for a school in Carmarthenshire or Wrexham.