WELSH STATUTORY INSTRUMENTS

2012 No. 320 (W.51) (C.10)

EDUCATION, WALES

The Education (Wales) Measure 2009 (Commencement No.3 and Transitional Provisions) Order 2012

Made - - - - 8 February 2012

The Welsh Ministers, in exercise of the powers conferred upon them by sections 24(2) and 26(3) of the Education (Wales) Measure 2009(**1**), make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Education (Wales) Measure 2009 (Commencement No.3 and Transitional Provisions) Order 2012.

(2) In this Order, "the 2009 Measure" ("*Mesu 2009*") means the Education (Wales) Measure 2009.

Provisions coming into force on 10 February 2012

2. The following provisions in Part 1 (education appeals and claims by children) of the 2009 Measure come into force on 10 February 2012—

(a) section 3 (case friends);

(b) section 7 (tribunal procedure);

(c) section 8 (procedures for making regulations);

(d) section 11 (tribunal procedure)(**2**);

(e) section 12 (case friends)(**3**);

(f) section 17 (piloting the rights of a child to appeal or make a claim);

(g) section 18 (power to make provision about appeals and claims by a child);

(h) section 19 (interpretation of sections 17 and 18);

(i) section 23 (minor and consequential amendments) in so far as it relates to paragraphs 1 and 4 of the Schedule; and

(j) paragraphs 1 and 4 of the Schedule.

(**1**) 2009 nawm 5. Sections 9 to 19, 26 and the Schedule to the 2009 Measure were amended by S.I. 2011/1651 (W. 187).
(**2**) Section 11 was amended by S.I. 2011/1651, article 5.
(**3**) Section 12 was amended by S.I. 2011/1651, article 6.

Provisions coming into force on 6 March 2012

3. The following provisions of Part 1 (education appeals and claims by children) of the 2009 Measure come into force on 6 March 2012—

(a) section 1 (right of a child to appeal in respect of special educational needs);

(b) section 2 (notice and service of documents);

(c) section 4 (advice and information);

(d) section 5 (resolution of disputes);

(e) section 6 (independent advocacy services);

(f) section 9 (right of a child to make a disability discrimination claim);

(g) section 10 (time for bringing proceedings);

(h) section 13 (advice and information);

(i) section 14 (resolution of disputes);

(j) section 15 (independent advocacy services);

(k) section 16 (role of the Welsh Ministers);

(l) section 23 in so far as it relates to paragraphs 2, 3 and 5 of the Schedule; and

(m) paragraphs 2, 3 and 5 of the Schedule.

Transitional provisions

4. At any time during which regulations under section 17 of the 2009 Measure are in force—

(a) section 332A of the Education Act 1996 continues to apply to local authorities in Wales other than Carmarthenshire County Council and Wrexham County Borough Council as though the amendments made by section 4(2) of the 2009 Measure were not in force;

(b) section 332B of the Education Act 1996 continues to apply to local authorities in Wales other than Carmarthenshire County Council and Wrexham County Borough Council as though the amendments made by section 5(2) of the 2009 Measure were not in force.

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

8 February 2012