

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2003 No. (W.) (C.)

EDUCATION, WALES

**The Special Educational Needs and
Disability Act 2001
(Commencement No. 2) (Wales)
Order 2003**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force in Wales on 1st September 2003 the remaining provisions of the Special Educational Needs and Disability Act 2001 which are not in force in Wales at the date of this Order, so that no further Order is required in relation to Wales.

The provisions being brought into force enable the National Assembly for Wales to make regulations and issue guidance as specified in this Order, in relation to accessibility strategies and plans, under the provisions of Part 2 of the Act (disability discrimination in education).

The provisions also enable the National Assembly for Wales to give local education authorities directions as to the discharge of their duties relating to accessibility strategies and plans or to make provision in relation to such directions.

Note as to earlier Commencement Orders

(This Note is not part of the Order)

The following provisions of the Special Educational Needs and Disability Act 2001 have been brought into force in relation to Wales by Commencement Orders made before the date of this Order.

Provision	Date of commencement	S.I. No.
Section 10 (so far as it relates to the provisions of Schedule 1 set out below)	8 December 2001	2001/3992 (C.127)
Paragraphs 3 and 14 of Schedule 1 (so far as is necessary for the purpose of making any regulations for which they provide)	8 December 2001	2001/3992 (C.127)
Section 1 (in so far as is necessary for the purpose of making any regulations for which it provides)	21 January 2002	2002/74 (W.8) (C.1)
Section 8 (in so far as is necessary for the purpose of making any regulations for which it provides)	21 January 2002	2002/74 (W.8) (C.1)

Section 42(1) (so far as it relates to the provisions of Schedule 8 set out below)	21 January 2002	2002/74 (W.8) (C.1)
Paragraphs 17 and 18 of Schedule 8 (so far as is necessary for the purpose of making any regulations for which they provide)	21 January 2002	2002/74 (W.8) (C.1)
Section 4 (to the extent not already in force)	1 April 2002	2001/3992 (C.127)
Section 5 (to the extent not already in force)	1 April 2002	2001/3992 (C.127)
Section 6	1 April 2002	2001/3992 (C.127)
Section 10 (to the extent not already in force)	1 April 2002	2001/3992 (C.127)
Section 41	1 April 2002	2001/3992 (C.127)
Section 42(1) (to the extent not already in force) in so far as it relates to the provisions of Schedule 8 specified below	1 April 2002	2001/3992 (C.127)
Section 42(2)-(4) (to the extent not already in force)	1 April 2002	2001/3992 (C.127)

Section 42(6) in so far as it relates to the provisions of Schedule 9 specified below	1 April 2002	2001/3992 (C.127)
Paragraphs 1 to 20 of Schedule 1 (to the extent not already in force)	1 April 2002	2001/3992 (C.127)
In Schedule 8, paragraphs 13(1) to (4), 15	1 April 2002	2001/3992 (C.127)
In Schedule 9, the repeals in so far as they relate to Wales of – in the Education Act 1996, in section 336(2), paragraph (d) and in section 441(3)(a), the words "in accordance with paragraph 10 of Schedule 27"; in the School Standards and Framework Act 1998, in Schedule 30, paragraph 186(2)(b).	1 April 2002	2001/3992 (C.127)
Section 1 (to the extent not already in force)	1 April 2002	2002/74 (W.8) (C.1)
Section 2	1 April 2002	2002/74 (W.8) (C.1)

Section 3	1 April 2002	2002/74 (W.8) (C.1)
Section 7	1 April 2002	2002/74 (W.8) (C.1)
Section 8 (to the extent not already in force)	1 April 2002	2002/74 (W.8) (C.1)
Section 9	1 April 2002	2002/74 (W.8) (C.1)
Section 42(1) (to the extent not already in force) in so far as it relates to the provisions of Schedule 8 specified below	1 April 2002	2002/74 (W.8) (C.1)
Section 42(6) in so far as it relates to the provisions of Schedule 9 specified below	1 April 2002	2002/74 (W.8) (C.1)
In Schedule 8, paragraphs 1, 5 to 12, 14, 16 to 18 (to the extent not already in force)	1 April 2002	2002/74 (W.8) (C.1)
In Schedule 9 the repeals in so far as they relate to Wales of – in the Disabled Persons (Services, Consultation and Representation) Act 1986, section 5(1);	1 April 2002	2002/74 (W.8) (C.1)

<p>in the Education Act 1996 –</p> <p>in section 325(1), the words ", and of the effect of subsection (2) below";</p> <p>in Schedule 27, paragraph 3(4), paragraph 8(1)(b)(iii), in paragraph 9(1) the words "amend, or" and "10 or", and paragraph 10.</p>		
<p>Section 26, for the purpose of allowing the designation of educational institutions pursuant to sections 28R(6)(c) and 28R(7)(e) of the Disability Discrimination Act 1995</p>	<p>30 May 2002</p>	<p>2002/1647 (C. 49)</p>
<p>Section 31</p>	<p>30 May 2002</p>	<p>2002/1647 (C. 49)</p>
<p>Section 19 subsection (1), to the extent necessary for the purpose of making regulations under any provision of section 28J of the Disability Discrimination Act 1995</p>	<p>1 July 2002</p>	<p>2002/1721 (C. 50)</p>

In section 36, sub-section (2) and sub-section (1) as far as it relates to sub-section (2)	1 July 2002	2002/1721 (C.50)
Paragraph 13(5) of Schedule 8	1 July 2002	2002/1721 (C.50)
Section 11	1 September 2002	2002/2217 (C.71)
Section 12	1 September 2002	2002/2217 (C.71)
Section 13	1 September 2002	2002/2217 (C.71)
Section 16	1 September 2002	2002/2217 (C.71)
Section 17	1 September 2002	2002/2217 (C.71)
Section 18	1 September 2002	2002/2217 (C.71)
Section 19 (to the extent not already in force)	1 September 2002	2002/2217 (C.71)
Section 20	1 September 2002	2002/2217 (C.71)
Section 21	1 September 2002	2002/2217 (C.71)
Section 22 (save in so far as it gives the National Assembly power to give directions under section 28M(1) or (3) of the Disability	1 September 2002	2002/2217 (C.71)

Discrimination Act 1995 or makes provision in relation to such a direction)		
Section 23	1 September 2002	2002/2217 (C.71)
Section 24	1 September 2002	2002/2217 (C.71)
Section 25	1 September 2002	2002/2217 (C.71)
Section 26 (to the extent not already in force)	1 September 2002	2002/2217 (C.71)
Section 27	1 September 2002	2002/2217 (C.71)
Section 29	1 September 2002	2002/2217 (C.71)
Section 30	1 September 2002	2002/2217 (C.71)
Section 32	1 September 2002	2002/2217 (C.71)
Section 33	1 September 2002	2002/2217 (C.71)
Section 34	1 September 2002	2002/2217 (C.71)
Section 35	1 September 2002	2002/2217 (C.71)
Section 36 (to the extent not already in force)	1 September 2002	2002/2217 (C.71)
Section 37	1 September 2002	2002/2217 (C.71)
Section 38	1 September 2002	2002/2217 (C.71)

Section 39	1 September 2002	2002/2217 (C.71)
Section 40	1 September 2002	2002/2217 (C.71)
Section 41 (to the extent not already in force)	1 September 2002	2002/2217 (C.71)
Section 42 (to the extent not already in force)	1 September 2002	2002/2217 (C.71)
Schedule 2	1 September 2002	2002/2217 (C.71)
Schedule 3	1 September 2002	2002/2217 (C.71)
Schedule 4	1 September 2002	2002/2217 (C.71)
Schedule 5	1 September 2002	2002/2217 (C.71)
Schedule 6	1 September 2002	2002/2217 (C.71)
Schedule 7	1 September 2002	2002/2217 (C.71)
Schedule 8 (to the extent not already in force)	1 September 2002	2002/2217 (C.71)
Schedule 9 (to the extent not already in force)	1 September 2002	2002/2217 (C.71)
Section 28 (subject to article 6 of S.I. No. 2002/2217 (C.71))	1 September 2002	2002/2217 (C.71)

2003 No. (W.) (C.)

EDUCATION, WALES

**The Special Educational Needs and
Disability Act 2001
(Commencement No. 2) (Wales)
Order 2003**

Made

2003

The National Assembly for Wales, in exercise of the power conferred upon it by section 43(3), 43(6) and 43(7) of the Special Educational Needs and Disability Act 2001(1), hereby makes the following Order:

Citation, Application and Interpretation

1. This Order may be cited as the Special Educational Needs and Disability Act 2001 (Commencement No. 2) (Wales) Order 2003.
2. This Order applies only in relation to Wales.
3. In this Order, unless otherwise stated, references to sections are references to sections of the Special Educational Needs and Disability Act 2001.

Appointed day

4. The day appointed for the coming into force of the provisions specified in the Schedule to this Order is 1st September 2003.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2)

Date

(1) 2001 c.10.
(2) 1998 c.38.

AF (06.11.02)

The Presiding Officer of the National Assembly

SCHEDULE

Article 4

PROVISIONS COMING INTO FORCE ON 1ST SEPTEMBER 2003

PROVISION	SUBJECT MATTER
Section 14	Accessibility strategies and plans
Section 15	Accessibility strategies and plans: procedure
Section 22 (in so far as it gives the National Assembly power to give directions under section 28M(1) or (3) of the Disability Discrimination Act 1995 and makes provision in relation to such a direction)	Roles of the Secretary of State and the National Assembly