

ADDITIONAL LEARNING NEEDS AND EDUCATION TRIBUNAL (WALES) BILL – STAGE 3 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Kirsty Williams AM on **10 November 2017**.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
25	Section 1, page 1, line 16, after ‘decisions,’ insert ‘about having regard to the United Nations Convention on the Rights of the Child and to the United Nations Convention on the Rights of Persons with Disabilities.’	Adran 1, tudalen 1, llinell 17, ar ôl ‘penderfyniadau,’ mewnosoder ‘ynghylch rhoi sylw i Gonfensiwn y Cenhedloedd Unedig ar Hawliau’r Plentyn ac i Gonfensiwn y Cenhedloedd Unedig ar Hawliau Pobl ag Anabledd.’	This amendment is consequential upon amendments 2 and 3.
26	Section 4, page 5, line 35, after ‘(5),’ insert ‘or provision made under section (<i>section to be inserted by amendment 2</i>) or (<i>section to be inserted by amendment 3</i>)’.	Adran 4, tudalen 5, llinell 31, ar ôl ‘(5),’ mewnosoder ‘neu ddarpariaeth a wneir o dan adran (<i>yr adran sy’n cael ei mewnosod gan welliant 2</i>) neu (<i>yr adran sy’n cael ei mewnosod gan welliant 3</i>)’.	<p>The purpose of this amendment is to apply section 4(7) of the Bill to the subsections added by amendments 2F and 3E to the new sections which would be inserted by amendments 2 and 3.</p> <p>This amendment is linked to amendments 2, 2F, 3 and 3E.</p> <p>The effect is that the Code may make different provision for different purposes or cases as well as transitory, transitional or saving provision, in relation to any provision in</p>

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			the code setting out what is required to discharge the duties in amendments 2 and 3 to have regard to the United Nations Conventions referred to in those amendments.
27	Section 5, page 6, line 33, leave out subsection (6).	Adran 5, tudalen 6, llinell 33, hepgorer is-adran (6).	<p>The purpose of this amendment is to remove subsection (6) which states that subsection (3) does not prevent a new draft of the proposed code from being laid before the National Assembly for Wales. Subsection (3) prevents the Welsh Ministers from issuing the code unless a draft of it is approved by a resolution of the National Assembly.</p> <p>There is no effect to this amendment. Subsection (6) no longer serves any purpose following changes made to subsection (3) at Stage 2.</p>
28	Section 7, page 7, after line 16, insert— () In making arrangements under subsection (1), a local authority must have regard to the principle that	Adran 7, tudalen 7, ar ôl llinell 15, mewnosoder— () Wrth wneud trefniadau o dan is-adran (1), rhaid i awdurdod lleol roi sylw i'r	<p>The purpose of this amendment is to insert a new subsection into section 7.</p> <p>The effect is to place a duty on</p>

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	information and advice provided under the arrangements must be provided in an impartial manner.’.	egwyddor bod rhaid i wybodaeth a chyngor a ddarperir o dan y trefniadau gael eu darparu mewn modd diduedd.’.	local authorities such that when they are making arrangements to provide people with advice and information about additional learning needs and the system provided for by Part 2 of the Bill, they have regard to the principle that this information and advice must be provided in an impartial manner.
29	Section 12, page 11, line 33, after ‘regulations’, insert ‘under section (<i>section to be inserted by amendment 35</i>)’.	Adran 12, tudalen 11, llinell 34, ar ôl ‘rheoliadau’, mewnosoder ‘o dan adran (<i>yr adran sy’n cael ei mewnosod gan welliant 35</i>)’.	Consequential to amendment 35.
30	Section 29, page 25, line 34, after ‘person’, insert ‘who is neither a registered pupil at a maintained school nor enrolled as a student at an institution in the further education sector in Wales’.	Adran 29, tudalen 25, llinell 38, ar ôl ‘ifanc’, mewnosoder ‘nad yw’n ddisgybl cofrestredig mewn ysgol a gynhelir nac wedi ymrestru’n fyfyrwr mewn sefydliad yn y sector addysg bellach yng Nghymru’.	The purpose of this amendment is to insert the words set out in the amendment into section 29(6)(b) which is about when a local authority may cease to maintain an individual development plan for a young person on the basis that it is no longer necessary to maintain it to meet the person’s reasonable needs for education or training. The effect of this amendment

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			is that where a local authority has a duty under Part 2 of the Bill to maintain a plan for a young person who is a registered pupil at a maintained school or an enrolled student at an FEI, it may only cease to maintain a plan if it decides that the person no longer has additional learning needs.
31	Section 29, page 25, line 34, after 'regulations', insert 'under section (<i>section to be inserted by amendment 35</i>)'.	Adran 29, tudalen 25, llinell 38, ar ôl 'rheoliadau', mewnosoder 'o dan adran (<i>yr adran sy'n cael ei mewnosod gan welliant 35</i>)'.	Consequential to amendment 35.
32	Section 29, page 26, line 15, leave out '40 (duty to keep individual development plans for detained persons)' and insert '42 (provisions that do not apply to children and young persons in detention)'.	Adran 29, tudalen 26, llinell 15, hepgorer '40 (dyletswydd i gadw cynlluniau datblygu unigol ar gyfer personau sy'n cael eu cadw'n gaeth)' a mewnosoder '42 (darpariaethau nad ydynt yn gymwys i blant a phersonau ifanc sy'n cael eu cadw'n gaeth)'.	The purpose of this amendment is to correct a cross reference which is no longer correct in light of amendments made at Stage 2. The effect is that the cross-reference is correct.
33	Section 38, page 31, line 7, after 'regulations', insert 'under section (<i>section to be inserted by amendment 35</i>)'.	Adran 38, tudalen 31, llinell 8, ar ôl 'rheoliadau', mewnosoder 'o dan adran (<i>yr adran sy'n cael ei mewnosod gan welliant 35</i>)'.	Consequential to amendment 35.
34	Section 38, page 31, line 9, after 'detention', insert 'to meet the detained person's	Adran 38, tudalen 31, llinell 9, ar ôl 'ryddhau', mewnosoder 'er mwyn diwallu anghenion rhesymol y person sy'n cael ei gadw'n gaeth	The purpose of this amendment is to insert the words set out in the

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	reasonable needs for education or training’.	am addysg neu hyfforddiant’.	<p>amendment into section 38(2), which is concerned with when a home authority must prepare an individual development plan for a detained person.</p> <p>The effect is that the local authority must decide whether it will be necessary for a plan to be maintained to meet the person’s reasonable needs for education or training. This makes the test for preparing a plan for a detained person more consistent with those in sections 12(1)(c)(ii) and 29(6)(b) on, respectively, local authorities preparing and maintaining, and continuing to maintain, a plan.</p>
35	<p>Page 34, after line 38, insert a new section—</p> <p style="text-align: center;"><i>‘Necessity of plans</i></p> <p>[] Regulations about deciding whether an individual development plan is necessary</p>	<p>Tudalen 34, ar ôl llinell 39, mewnosoder adran newydd—</p> <p style="text-align: center;"><i>‘Yr angen am gynlluniau</i></p> <p>[] Rheoliadau ynghylch penderfynu a oes angen cynllun datblygu unigol</p>	<p>The purpose of this amendment is to insert a new section into the Bill about the regulation making powers in sections 12, 29 and 38.</p> <p>The effect of this amendment is that the regulation powers referred to in the specific</p>

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	<p>(1) Regulations under this section apply to the following provisions and decisions made under them—</p> <ul style="list-style-type: none"> (a) section 12(1)(c)(ii); (b) section 29(6)(b); (c) section 38(2)(b). <p>(2) Regulations may—</p> <ul style="list-style-type: none"> (a) specify factors to be taken into account in assessing whether it is necessary to prepare or maintain a plan; (b) specify circumstances in which it is, or is not, necessary to prepare or maintain a plan; (c) provide for what are, and what are not, to be considered reasonable needs for education or training (whether in specifying factors, specifying circumstances or otherwise); (d) make further provision about the definition of “education or training”; (e) make provision about the process 	<p>(1) Mae rheoliadau o dan yr adran hon yn gymwys i'r darpariaethau a ganlyn a phenderfyniadau a wneir odanynt—</p> <ul style="list-style-type: none"> (a) adran 12(1)(c)(ii); (b) adran 29(6)(b); (c) adran 38(2)(b). <p>(2) Caiff rheoliadau—</p> <ul style="list-style-type: none"> (a) pennu ffactorau sydd i gael eu hystyried wrth asesu a oes angen llunio neu gynnal cynllun; (b) pennu amgylchiadau y mae angen, neu nad oes angen, llunio neu gynnal cynllun odanynt; (c) darparu ar gyfer yr hyn sydd i gael ei ystyried, neu nad yw i gael ei ystyried, yn anghenion rhesymol am addysg neu hyfforddiant (pa un ai wrth bennu ffactorau, pennu amgylchiadau neu fel arall); (d) gwneud darpariaeth bellach ynghylch y diffiniad o “addysg neu hyfforddiant”; (e) gwneud darpariaeth ynghylch y 	<p>provisions of sections 12, 29 and 38 cover the matters provided for in subsection (2) of this new section.</p>

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	for making decisions.’.	broses ar gyfer gwneud penderfyniadau.’.	
36	Section 45, page 36, line 9, leave out ‘must secure’ and insert ‘secures’.	Adran 45, tudalen 36, llinell 9, hepgorer ‘mae rhaid i’r corff llywodraethu neu’r awdurdod lleol’ a mewnosoder ‘mae’r corff llywodraethu neu’r awdurdod lleol yn’.	<p>The purpose of this amendment and amendment 1 is to replace the words “must secure” with the word “secures”.</p> <p>The effect of this amendment is that no charge may be made by a local authority or governing body to a child, child’s parent or young person for anything they secure under Part 2 of the Bill, not just those things they must secure.</p>
37	Section 45, page 36, line 12, leave out ‘must secure’ and insert ‘secures’.	Adran 45, tudalen 36, llinell 12, hepgorer ‘mae rhaid i gorff llywodraethu neu awdurdod lleol’ a mewnosoder ‘mae corff llywodraethu neu awdurdod lleol yn’.	<p>The purpose of this amendment and amendment 36 is to replace the words “must secure” with the word “secures”.</p> <p>The effect of this amendment is that a child, child’s parent or young person is not liable to pay any charge made by a person for anything a governing body or local authority secures for a child or young person under Part 2 of</p>

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			the Bill, not just those things that the governing body or local authority must secure.
38	Section 56, page 41, after line 15, insert— '(5) In subsections (2) and (4)(b), "students" means students enrolled at the institution in the further education sector.'	Adran 56, tudalen 41, ar ôl llinell 16, mewnosoder— '(5) Yn is-adrannau (2) a (4)(b), ystyr "myfyrwyr" yw myfyrwyr sydd wedi ymrestru yn y sefydliad yn y sector addysg bellach.'	The purpose of this amendment is to insert a new subsection into section 56 (on additional learning needs coordinators) dealing with the meaning of the references to students in the section. This amendment is linked to amendment 43. The effect is that the students in relation to whom an additional learning needs coordinator for an FEI has responsibilities are the students enrolled at the institution. The meaning of this phrase is dealt with in amendment 43.
39	Section 59, page 42, line 11, after 'Welsh', insert— '() the size and capability of the workforce available'.	Adran 59, tudalen 42, llinell 11, ar ôl 'Gymraeg', mewnosoder— '() maint a gallu'r gweithlu sydd ar gael'.	The purpose of the amendment is to insert the wording set out in the amendment into s.59(3). The effect is to make it clear

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			that when Local Authorities review the arrangements in its area for children and young people who have additional learning needs, as required in s.59(1), this includes a duty to consider the size and capability of the workforce.
40	Section 59, page 42, line 12, leave out 'availability of additional learning provision in Welsh is' and insert 'arrangements referred to in subsection (1) (including the availability of additional learning provision in Welsh) are'.	Adran 59, tudalen 42, llinell 12, hepgorer 'ddarpariaeth ddysgu ychwanegol sydd ar gael yn Gymraeg' a mewnosoder 'trefniadau y cyfeirir atynt yn is-adran (1) (gan gynnwys y ddarpariaeth ddysgu ychwanegol sydd ar gael yn Gymraeg)'.	<p>The purpose of this amendment is to insert the words set out in the amendment into section 59(4) (which places a duty on local authorities to take reasonable steps to remedy an identified insufficiency in the availability of additional learning provision in Welsh following review by the local authority).</p> <p>The effect of the amendment is to widen the existing duty at subsection 59(4) so that local authorities must take all reasonable steps to remedy any insufficiency they consider exists in relation to the arrangements for children and</p>

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			young people who have additional learning needs.
41	Section 65, page 46, line 1, leave out 'payments to be made' and insert 'the local authority to make payments'.	Adran 65, tudalen 46, llinell 1, hepgorer 'i daliadau gael eu gwneud' a mewnosoder 'i'r awdurdod lleol wneud taliadau'.	<p>The purpose of this amendment is to replace the words "payments to be made" with the words "the local authority to make payments" in section 65(4) on arrangements made by local authorities for independent advocacy services.</p> <p>The effect of this amendment is that arrangements for independent advocacy services may include provision for local authorities to make payments to any person carrying out functions in accordance with those arrangements and any ambiguity as to whether the provision allowed for recipients of the services to be charged is removed.</p>
42	Page 50, after line 39, insert a new section - ['] Power to share documents and	Tudalen 50, ar ôl llinell 40, mewnosoder adran newydd—	The purpose of this amendment is to insert a new section into Part 2 to address

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	<p>other information with the Welsh Ministers</p> <p>The Education Tribunal for Wales may share with the Welsh Ministers any document or other information in its possession that relates to whether or not an order or recommendation made by the Tribunal under this Part has been or will be complied with or followed.</p>	<p>[] Pŵer i rannu dogfennau a gwybodaeth arall â Gweinidogion Cymru</p> <p>Caiff Tribiwnlys Addysg Cymru rannu â Gweinidogion Cymru unrhyw ddogfen neu wybodaeth arall sydd yn ei feddiant sy'n ymwneud â pha un a fu neu a fydd cydymffurfedd â gorchymyn neu argymhelliad a wnaed gan y Tribiwnlys o dan y Rhan hon ai peidio neu sy'n ymwneud â pha un a gafodd neu a gaiff gorchymyn neu argymhelliad o'r fath ei ddilyn ai peidio.'</p>	<p>the sharing of documents and other information by the Tribunal with the Welsh Ministers</p> <p>The effect is to give a power to the Education Tribunal to share information with the Welsh Ministers about whether Tribunal orders have been complied with, or recommendations have been followed.</p>
43	<p>Page 55, after line 19, insert a new section—</p> <p><i>'Higher education courses provided by further education institutions</i></p> <p>[] Students at further education institutions undertaking higher education courses</p> <p>(1) For the purposes of this Part, a higher education student at an institution in the further education sector is not to be treated as enrolled as a student at the institution.</p> <p>(2) The duty imposed on a local authority by section 64(2) (arrangements for the avoidance and resolution of</p>	<p>Tudalen 55, ar ôl llinell 19, mewnosoder adran newydd—</p> <p><i>'Cyrsiau addysg uwch a ddarperir gan sefydliadau addysg bellach</i></p> <p>[] Myfyrwyr mewn sefydliadau addysg bellach sy'n dilyn cyrsiau addysg uwch</p> <p>(1) At ddibenion y Rhan hon, nid yw myfyriwr addysg uwch mewn sefydliad yn y sector addysg bellach i gael ei drin fel pe bai wedi ymrestru'n fyfyrwr yn y sefydliad.</p> <p>(2) Nid yw'r ddyletswydd a osodir ar awdurdod lleol gan adran 64(2)</p>	<p>The purpose of this amendment is to insert a new section into Part 2 to address the position of students undertaking higher education at an institution in the further education sector.</p> <p>The effect of this amendment is that the duties under Part 2 of a governing body of an FEI owed to its enrolled students, do not apply to students undertaking higher education courses at the FEI, unless they are also receiving education</p>

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	<p>disagreements) does not apply in so far as it would otherwise apply in relation to a young person in so far as that person is a higher education student at an institution in the further education sector.</p> <p>(3) A person is a higher education student at an institution in the further education sector if the person is undertaking a higher education course provided by the institution and is not also receiving education or training provided by it.</p> <p>(4) Where a person enrolled as a student at an institution in the further education sector is receiving education or training provided by it, and is also undertaking a higher education course provided by it, the person is a higher education student at the institution in relation to the higher education course (but is otherwise to be treated as enrolled as a student at the institution).</p> <p>(5) In this section, “higher education course” means a course of any description mentioned in Schedule 6 to the Education Reform Act 1988 (c.40).’.</p>	<p>(trefniadau ar gyfer osgoi a datrys anghytundebau) yn gymwys i'r graddau y byddai'n gymwys fel arall mewn perthynas â pherson ifanc i'r graddau y mae'r person hwnnw yn fyfyrwr addysg uwch mewn sefydliad yn y sector addysg bellach.</p> <p>(3) Mae person yn fyfyrwr addysg uwch mewn sefydliad yn y sector addysg bellach os yw'r person yn dilyn cwrs addysg uwch a ddarperir gan y sefydliad ac nad yw'r person hefyd yn cael addysg neu hyfforddiant a ddarperir ganddo.</p> <p>(4) Pan fo person sydd wedi ymrestru'n fyfyrwr mewn sefydliad yn y sector addysg bellach yn cael addysg neu hyfforddiant a ddarperir gan y sefydliad hwnnw, a hefyd yn dilyn cwrs addysg uwch a ddarperir ganddo, mae'r person yn fyfyrwr addysg uwch yn y sefydliad mewn perthynas â'r cwrs addysg uwch (ond mae fel arall i gael ei drin fel pe bai wedi ymrestru'n fyfyrwr yn y sefydliad).</p> <p>(5) Yn yr adran hon, ystyr “cwrs addysg uwch” yw cwrs o unrhyw ddisgrifiad a grybwyllir yn Atodlen 6 i Ddeddf Diwygio Addysg 1988 (p.40).’.</p>	<p>and training (which, as defined by the Bill does not include higher education) provided by the FEI. In the latter case an enrolled student would be an enrolled student for the purposes of the Bill in relation to the education and training that is not part of the higher education course.</p> <p>Subsection (2) of the new section similarly ensures that higher education students at FEIs are not covered by a local authority's duty under section 64(2) (arrangements for the avoidance and resolution of disputes between institutions and young people about the additional learning provision made for them).</p>
44	Section 85, page 58, line 21, leave out ‘with	Adran 85, tudalen 58, llinell 22, hepgorer ‘gyda	The purpose and effect of this

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	the agreement of the Secretary of State’.	chytundeb yr Ysgrifennydd Gwladol’.	amendment is to remove the requirement for the Secretary of State’s agreement to regulations made by the Welsh Ministers in connection with the Tribunal.
45	Section 86, page 58, line 32, leave out ‘with the agreement of the Secretary of State’.	Adran 86, tudalen 58, llinell 34, hepgorer ‘gyda chytundeb yr Ysgrifennydd Gwladol’.	The purpose and effect of this amendment is to remove the requirement for the Secretary of State’s agreement to regulations made by the Welsh Ministers in connection with the Tribunal.
46	<p>Page 59, after line 8, insert a new section—</p> <p>‘[] Deputy President of the Tribunal</p> <p>(1) The President may appoint a member of the legal chair panel as Deputy President of the Tribunal.</p> <p>(2) A person appointed as Deputy President of the Tribunal holds and vacates that position in accordance with the terms of appointment.</p> <p>(3) A person ceases to be Deputy President if he or she ceases to be a member of the legal chair panel.</p>	<p>Tudalen 59, ar ôl llinell 8, mewnosoder adran newydd—</p> <p>‘[] Dirprwy Lywydd y Tribiwnlys</p> <p>(1) Caiff y Llywydd benodi aelod o’r panel cadeirydd cyfreithiol yn Ddirprwy Lywydd y Tribiwnlys.</p> <p>(2) Mae person a benodir yn Ddirprwy Lywydd y Tribiwnlys yn dal ac yn gadael y swydd honno yn unol â’r telerau penodi.</p> <p>(3) Mae person yn peidio â bod yn Ddirprwy Lywydd os yw’n peidio â bod yn aelod o’r panel cadeirydd cyfreithiol.</p>	<p>The purpose of this amendment is to insert a new section into Part 3 of the Bill in relation to the creation of a Deputy President of the Tribunal.</p> <p>The effect is to give the President of the Education Tribunal a power to appoint a Deputy President out of the panel of Legal Chairs. The Deputy President holds and vacates the position in accordance with terms of</p>

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	<p>(4) A person may resign as Deputy President by notice in writing to the President.</p> <p>(5) A Deputy President may exercise functions of the President if—</p> <p>(a) the President has delegated their exercise to the Deputy President,</p> <p>(b) the office of President is vacant, or</p> <p>(c) the President is unable for any reason to exercise them.’.</p>	<p>(4) Caiff person ymddiswyddo fel Dirprwy Lywydd drwy roi hysbysiad ysgrifenedig i'r Llywydd.</p> <p>(5) Caiff Dirprwy Lywydd arfer swyddogaethau'r Llywydd—</p> <p>(a) os yw'r Llywydd wedi dirprwyo eu harfer i'r Dirprwy Lywydd,</p> <p>(b) os yw swydd y Llywydd yn wag, neu</p> <p>(c) os na all y Llywydd eu harfer am unrhyw reswm.’.</p>	<p>appointment. The Deputy President can resign. S.87(5) sets out when the Deputy President may exercise the functions of the President.</p>
47	<p>Section 91, page 60, line 25, leave out ‘12(1)(c)(ii), 29(6)(b),37(2), 38(2)(b) ’ and insert ‘37(2), (<i>section to be inserted by amendment 35</i>),’..</p>	<p>Adran 91, tudalen 60, llinell 24, hepgorer ‘12(1)(c)(ii), 29(6)(b), 37(2), 38(2)(b)’ a mewnosoder ‘37(2), (<i>yr adran sy’n cael ei mewnosod gan welliant 35</i>)’.</p>	<p>This amendment is consequential to amendment 35, which has the result that the regulation powers in the provisions removed from section 91 by this amendment are instead contained within the new section 43 (which would be inserted by amendment 35).</p>
48	<p>Section 93, page 63, after line 36, insert—</p> <p>() Paragraph [] of Schedule 1 comes into force at the end of the period of two months beginning with the</p>	<p>Adran 93, tudalen 63, ar ôl llinell 40, mewnosoder—</p> <p>() Daw paragraff [] o Atodlen 1 i rym ar ddiwedd y cyfnod o ddau fis sy’n</p>	<p>The purpose of this amendment is to insert a provision into s.93 to prescribe the point at which paragraph 5 of Schedule 1 to the Bill comes</p>

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	<p>day on which this Act receives Royal Assent.’.</p>	<p>dechrau â’r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.’.</p>	<p>into force.</p> <p>The effect is that the amendment made to section 333(5) of the Education Act 1996 by paragraph 5 of Schedule 1 to the Bill (see amendment 49), will come into force at the end of the period of two months beginning with the day on which the Bill receives Royal Assent.</p>
49	<p>Schedule 1, page 72, after line 6, insert—</p> <p>[] In section 333(5) of the Education Act 1996—</p> <p>(a) before the paragraphs, omit “with the agreement of the Secretary of State”—</p> <p>(b) in paragraph (b), omit “, with the agreement of the Secretary of State,”.’.</p>	<p>Atodlen 1, tudalen 72, ar ôl llinell 8, mewnosoder—</p> <p>[] Yn adran 333(5) o Ddeddf Addysg 1996—</p> <p>(a) o flaen y paragraffau, hepgorer “with the agreement of the Secretary of State”;</p> <p>(b) ym mharagraff (b), hepgorer “, with the agreement of the Secretary of State,”.’.</p>	<p>The purpose and effect of this amendment is to remove certain requirements for the Secretary of State’s agreement to regulations made by the Welsh Ministers under the Education 1996 in connection with the Special Educational Needs Tribunal for Wales. The amendment will come into force at the end of the period of two months beginning with the day on which the Bill receives Royal Assent in accordance with amendment 48. (This is a transitional</p>

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			provision until sections 85 and 86 come into force).
50	Schedule 1, page 72, line 7, leave out 'paragraph 4' and insert 'paragraphs 4 and (<i>paragraph to be inserted by amendment 49</i>)'.	Atodlen 1, tudalen 72, llinell 9, hepgorer 'baragraff 4' a mewnosoder 'baragraffau 4 a (<i>y paragraff sy'n cael ei fewnosod gan welliant 49</i>)'.	Consequential to amendment 49.
51	Schedule 1, page 73, after line 39, insert— '(t) omit paragraph (<i>paragraph to be inserted by amendment 49</i>)'.	Atodlen 1, tudalen 73, ar ôl llinell 40, mewnosoder— '(t) hepgorer paragraff (<i>y paragraff sy'n cael ei fewnosod gan welliant 49</i>)'.	The purpose of this amendment is to provide for the future omission of paragraph 5 of Schedule 1 to the Bill (which is inserted by amendment 49) The effect of this amendment is that when paragraph 4 of Schedule 1 to the Bill is commenced (specifically the repeal of Chapter 1 of Part 4 of the Education act 1996) paragraph 5 of Schedule 1 will be omitted (as this paragraph makes amendments to a section within Chapter 1 of Part 4 of the 1996 Act)
52	Schedule 1, page 75, after line 26, insert— ' <i>Tribunals, Courts and Enforcement Act 2007 (c. 15)</i>	Atodlen 1, tudalen 75, ar ôl llinell 26, mewnosoder— ' <i>Deddf Tribiwnlysoedd, Llysoedd a Gorfodaeth 2007 (p. 15)</i>	The purpose of this amendment is to remove an obsolete reference to the Special Educational Needs Tribunal Wales from Schedule

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	<p>[] In Part 7 of Schedule 6 to the Tribunals, Courts and Enforcement Act 2007 (tribunals for the purposes of section 32(3)), omit the entry for the Special Educational Needs Tribunal for Wales.’.</p>	<p>[] Yn Rhan 7 o Atodlen 6 i Ddeddf Tribiwnlysoedd, Llysoedd a Gorfodaeth 2007 (tribiwnlysoedd at ddibenion adran 32(3)), hepgorer y cofnod ar gyfer Tribiwnlys Anghenion Addysgol Arbennig Cymru.’.</p>	<p>6 to the Tribunals, Courts and Enforcement Act 2007.</p> <p>There is no effect since the the reference to Special Educational Needs Tribunal Wales in the Schedule is already obsolete. The reference has no practical use because a right of appeal to the Upper Tribunal already exists for SENTW. The reference will not have any use in respect of the Education Tribunal established under the Bill because the Bill (see section 76 and amendment 53) provides for rights of appeal from Education Tribunal for Wales to the Upper Tribunal.</p>
53	<p>Schedule 1, page 78, after line 9, insert— ‘ () after paragraph 6 insert—</p> <p style="text-align: center;"><i>“Appeals from the Welsh Tribunal</i></p> <p>6AA(1) A party to any proceedings on a claim</p>	<p>Atodlen 1, tudalen 78, ar ôl llinell 9, mewnosoder— ‘ () ar ôl paragraff 6 mewnosoder—</p> <p style="text-align: center;"><i>“Appeals from the Welsh Tribunal</i></p> <p>6AA(1) A party to any</p>	<p>The purpose of this amendment is to clarify the current law that a party to a disability discrimination claim made to the Education Tribunal in Wales has the right to appeal to the Upper Tribunal on any point of law, providing the party has applied for and received the permission of</p>

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	<p>under paragraph (3A) before the Welsh Tribunal may appeal to the Upper Tribunal on any point of law arising from a decision made by the Welsh Tribunal in those proceedings.</p> <p>(2) An appeal may be brought under subparagraph (1) only if, on an application made by the party concerned, the Welsh Tribunal or the Upper Tribunal has given its permission.</p> <p>(3) Section 12 of the Tribunals, Courts and Enforcement Act 2007 (c. 15) (proceedings on appeal to the Upper Tribunal) applies in relation to appeals to the Upper Tribunal under this paragraph as it applies in relation to appeals to it</p>	<p>proceedings on a claim under paragraph (3A) before the Welsh Tribunal may appeal to the Upper Tribunal on any point of law arising from a decision made by the Welsh Tribunal in those proceedings.</p> <p>(2) An appeal may be brought under subparagraph (1) only if, on an application made by the party concerned, the Welsh Tribunal or the Upper Tribunal has given its permission.</p> <p>(3) Section 12 of the Tribunals, Courts and Enforcement Act 2007 (c. 15) (proceedings on appeal to the Upper Tribunal) applies in relation to appeals to the Upper Tribunal under this paragraph as it applies in</p>	<p>either the Education Tribunal or the Upper Tribunal. The amendment inserts a provision into the Equality Act 2010 and applies to such appeals as the same proceedings (set out in section 12 of the Tribunals, Courts and Enforcement Act 2007) that apply in relation to appeals to the Upper Tribunal made in relation to disability discrimination claim decisions made by the First-tier Tribunal in England.</p> <p>The effect of this amendment is that there is a right of appeal to the Upper Tribunal in relation to disability discrimination claim decisions equivalent to the right of appeals to Upper Tribunal in relation to the ALN decisions under section 76 of the Bill.</p>

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	under section 11 of that Act, but as if references to the First-tier Tribunal were references to the Welsh Tribunal.’.	relation to appeals to it under section 11 of that Act, but as if references to the First-tier Tribunal were references to the Welsh Tribunal.’.	
2A	Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.	Fel gwelliant i welliant 2, llinell 3, hepgorer 'dyledus' a mewnosoder 'dyladwy'.	The purpose of this amendment is to remove and replace wording in the Welsh version amendment 2. The effect is to maintain consistent wording with existing legislation.
2B	Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.	Fel gwelliant i welliant 2, llinell 7, hepgorer 'i'w drin fel petai iddo' a mewnosoder 'i gael ei drin fel pe bai'n cael'.	The purpose of this amendment is to remove and replace wording in the Welsh version amendment 2. The effect is to maintain consistent wording within the Bill.
2C	Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.	Fel gwelliant i welliant 2, llinell 8, hepgorer 'rhoddir' a mewnosoder 'nodir'.	The purpose of this amendment is to remove and replace wording in the Welsh version amendment 2. The effect is to maintain consistent wording with

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			existing legislation.
2D	<p>Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.</p>	<p>Fel gwelliant i welliant 2, llinell 10, hepgorer 'rhoddir' a mewnosoder 'nodir'.</p>	<p>The purpose of this amendment is to remove and replace wording in the Welsh version amendment 2.</p> <p>The effect is to maintain consistent wording with existing legislation.</p>
2E	<p>As an amendment to amendment 2, after line 11, insert—</p> <p>'() Subsection (1) does not require specific consideration of the Convention on each occasion that a function is exercised.'</p>	<p>Fel gwelliant i welliant 2, ar ôl llinell 11, mewnosoder—</p> <p>'() Nid yw is-adran (1) yn gwneud ystyriaeth benodol o'r Confensiwn yn ofynnol ar bob achlysur y caiff swyddogaeth ei harfer.'</p>	<p>The purpose of this amendment is to insert the words set out in it into amendment 2.</p> <p>The effect is that a relevant body is not required to give specific consideration to the United Nations Convention on the Rights of the Child on each occasion it exercises a function under Part 2.</p>
2F	<p>As an amendment to amendment 2, after line 11, insert—</p> <p>'() A code issued under section 4 may make provision setting out what is required to discharge the duty in subsection (1); and subsection (1) is to be interpreted in accordance with any such provision.'</p>	<p>Fel gwelliant i welliant 2, ar ôl llinell 11, mewnosoder—</p> <p>'() Caiff cod a ddyroddir o dan adran 4 wneud darpariaeth sy'n nodi'r hyn sy'n ofynnol er mwyn cyflawni'r ddyletswydd yn is-adran (1); ac mae is-adran (1) i gael ei dehongli yn unol ag unrhyw ddarpariaeth o'r fath.'</p>	<p>The purpose of this amendment is to insert the words set out in it into amendment 2.</p> <p>The effect of this amendment is that the ALN code (issued</p>

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			<p>under section 4) may set out what is required in order for a relevant body to discharge its duty in subsection (1) of amendment 2 to have due regard to the United Nations Convention on the Rights of the Child and that duty is to be interpreted in accordance with any such provision set out in the code.</p>
2G	<p>As an amendment to amendment 2, leave out lines 13 to 14.</p>	<p>Fel gwelliant i welliant 2, hepgorer llinellau 13 i 14.</p>	<p>The purpose of this amendment is to omit from the list of bodies subject to the duty in subsection (1) of amendment 2 to have due regard to the United Nations Convention on the Rights of the Child, governing bodies of maintained schools in Wales and governing bodies of further education institutions (“FEIs”) in Wales.</p> <p>The effect is that that duty to have due regard is limited to local authorities and NHS bodies.</p>

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3A	<p>Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.</p>	<p>Fel gwelliant i welliant 3, llinell 4, hepgorer 'dyledus' a mewnosoder 'dyladwy'.</p>	<p>The purpose of this amendment is to remove and replace wording in the Welsh version amendment 3.</p> <p>The effect is to maintain consistent wording with existing legislation.</p>
3B	<p>Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.</p>	<p>Fel gwelliant i welliant 3, llinell 9, hepgorer 'oddigerth' a mewnosoder 'ac eithrio'.</p>	<p>The purpose of this amendment is to remove and replace wording in the Welsh version amendment 3.</p> <p>The effect is to maintain consistent wording within the Bill.</p>
3C	<p>Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.</p>	<p>Fel gwelliant i welliant 3, llinell 10, hepgorer 'wedi'i dynnu yn' a mewnosoder 'wedi ei dynnu'n'.</p>	<p>The purpose of this amendment is to remove and replace wording in the Welsh version amendment 3.</p> <p>The effect is to maintain consistent wording within the Bill.</p>
3D	<p>As an amendment to amendment 3, after line 10, insert— '() Subsection (1) does not require specific consideration of the Convention on each</p>	<p>Fel gwelliant i welliant 3, ar ôl llinell 10, mewnosoder— '() Nid yw is-adran (1) yn gwneud ystyriaeth benodol o'r Confensiwn yn ofynnol ar bob</p>	<p>The purpose of this amendment is to insert the words set out in it into amendment 3.</p>

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	occasion that a function is exercised.’	achlysur y caiff swyddogaeth ei harfer.’	The effect is that a relevant body is not required to give specific consideration to the United Nations Convention on the Rights of Persons with Disabilities on each occasion it exercises a function under Part 2.
3E	As an amendment to amendment 3, after line 10, insert— ‘() A code issued under section 4 may make provision setting out what is required to discharge the duty in subsection (1); and subsection (1) is to be interpreted in accordance with any such provision.’	Fel gwelliant i welliant 3, ar ôl llinell 10, mewnosoder— ‘() Caiff cod a ddyroddir o dan adran 4 wneud darpariaeth sy’n nodi’r hyn sy’n ofynnol er mwyn cyflawni’r ddyletswydd yn is-adran (1); ac mae is-adran (1) i gael ei dehongli yn unol ag unrhyw ddarpariaeth o’r fath.’	The purpose of this amendment is to insert the words set out in it into amendment 3. The effect of this amendment is that the ALN code (issued under section 4) may set out what is required in order for a relevant body to discharge its duty under subsection (1) of amendment 3 to have due regard to the United Nations Convention on the Rights of Persons with Disabilities and that duty is to be interpreted in accordance with any such provision set out in the code.
3F	As an amendment to amendment 3, leave out	Fel gwelliant i welliant 3, hepgorer llinellau 12 i	The purpose of this amendment is to omit from the

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	lines 12 to 13	13.	<p>list of bodies subject to the duty in subsection (1) of amendment 3 to have due regard to the United Nations Convention on the Rights of Disabled Persons, governing bodies of maintained schools in Wales and governing bodies of FEIs in Wales.</p> <p>The effect is that that duty to have due regard is limited to local authorities and NHS bodies.</p>