



# Education (Wales) Measure 2009

2009 nawm 5

## PART 1

### EDUCATION APPEALS AND CLAIMS BY CHILDREN

#### *Disability discrimination claims*

#### **9 Right of a child to make a disability discrimination claim**

- (1) In section 28I of the Disability Discrimination Act 1995 (c. 50), in the heading, after “Tribunal” insert “— England and Wales”.
- (2) After section 28I of that Act insert—

#### **“28IA Jurisdiction and powers of the Tribunal – Wales**

- (1) A claim that a responsible body for a school in Wales—
  - (a) has discriminated against a person (“the relevant person”) in a way which is made unlawful under this Chapter, or
  - (b) is by virtue of section 58 to be treated as having discriminated against the relevant person in such a way,may be made to the Welsh Tribunal by that relevant person.
- (2) But this section does not apply to a claim to which section 28K or 28L applies.
- (3) The relevant person’s right to claim is exercisable concurrently with the right of the relevant person’s parent under section 28I.
- (4) If the Welsh Tribunal considers that a claim under subsection (1) is well founded—
  - (a) it may declare that the relevant person has been unlawfully discriminated against, and
  - (b) if it does so, it may make such order as it considers reasonable in all the circumstances of the case.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The power conferred by subsection (4)(b)—
  - (a) may, in particular, be exercised with a view to obviating or reducing the adverse effect on the person concerned of any matter to which the claim relates, but
  - (b) does not include power to order the payment of any sum by way of compensation.
- (6) The exercise of rights under this section is subject to provision made by regulations under sections 28IB and 28J.”.