



2016 CHAPTER 8

Rights of child over compulsory school age

Rights of child over compulsory school age in relation to disability discrimination claims

12.—(1) In Article 22 of the Special Educational Needs and Disability (Northern Ireland) Order 2005 (jurisdiction and powers of the Tribunal) in paragraph (1) for “by A’s parent” substitute “—

- (i) by A, if A is over compulsory school age; or
- (ii) by A’s parent in any other case.”.

(2) In Article 23 of that Order (Tribunal procedure) after paragraph (2) insert—

“(2A) In a case falling within Article 22(1)(i) where a claim is made by A, the regulations may in particular make provision—

- (a) about assistance and support to enable A to pursue the claim;
- (b) for cases where, in the opinion of the Tribunal, A lacks (or may lack) capacity to pursue the claim, including provision—
 - (i) for, and in connection with, determining whether A lacks capacity to pursue a claim (including the criteria to be applied in making that determination);
 - (ii) for A’s parent to pursue the claim in a case where it is determined that A lacks capacity to do so;
 - (iii) for provisions of the regulations to apply with modifications in relation to such a claim.”.