



Education Act 1996

1996 CHAPTER 56

PART IV

SPECIAL EDUCATIONAL NEEDS

CHAPTER I

CHILDREN [^{F1}IN WALES] WITH SPECIAL EDUCATIONAL NEEDS

Code of Practice

313 Code of Practice.

- (1) The [^{F1}Welsh Ministers] shall issue, and may from time to time revise, a code of practice giving practical guidance in respect of the discharge by [^{F2}local authorities] and the governing bodies of [^{F3}maintained schools][^{F4} and maintained nursery schools] of their functions under this Part.
- (2) It shall be the duty of—
 - (a) [^{F2}local authorities], and such governing bodies, exercising functions under this Part, and
 - (b) any other person exercising any function for the purpose of the discharge by [^{F2}local authorities], and such governing bodies, of functions under this Part, to have regard to the provisions of the code.
- (3) On any appeal under this Part to the Tribunal, the Tribunal shall have regard to any provision of the code which appears to the Tribunal to be relevant to any question arising on the appeal.
- (4) The [^{F5}Welsh Ministers] shall publish the code as for the time being in force.
- [^{F6}(5) In this Part ^{F7}..., “the Tribunal”, in relation to an appeal, means [^{F8}the Special Educational Needs Tribunal for Wales.]

Status: Point in time view as at 01/09/2014.

Changes to legislation: Education Act 1996, Cross Heading: Code of Practice is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F⁹(a)
F¹⁰(b)]

Textual Amendments

- F1** Words in s. 313(1) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 12(2)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F2** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(3)** (with Sch. 2 para. 7(4)(5))
- F3** Words in s. 313(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 72** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F4** Words in s. 313(1) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 36** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch. 21 para. 36
- F5** Words in s. 313(4) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 12(2)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F6** S. 313(5) substituted (1.9.2003) by Education Act 2002 (c. 32), s. 216(3), **Sch. 18 para. 2** (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, art. 6, Sch. Pt. III
- F7** Words in s. 313(5) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 128(a)**
- F8** Words in s. 313(5) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 12(3)(a)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F9** S. 313(5)(a) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 12(3)(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F10** S. 313(5)(b) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 12(3)(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

Modifications etc. (not altering text)

- C1** Pt. 4 Ch. 1 excluded (1.9.2014) by Children and Families Act 2014 (c. 6), **ss. 81, 139(6)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- C2** S. 313(2) applied (E.) (1.2.2008) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 (S.I. 2007/2979), reg. 1(1), **Sch. 1 para. 1**

314 Making and approval of code.

- (1) Where the [F¹¹Welsh Ministers propose] to issue or revise a code of practice, [F¹²they] shall prepare a draft of the code (or revised code).
- (2) The [F¹³Welsh Ministers] shall consult such persons about the draft as [F¹⁴they think] fit and shall consider any representations made by [F¹⁵those persons].
- [F¹⁶(3) If the Welsh Ministers determine to proceed with the draft (either in its original form or with such modifications as they think fit) they shall lay it before the National Assembly for Wales.]

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- (4) If the draft is approved by resolution of [^{F17}the National Assembly for Wales, the Welsh Ministers] shall issue the code in the form of the draft, and the code shall come into effect on such day as [^{F18}the Welsh Ministers may] by order appoint.

Textual Amendments

- F11** Words in s. 314(1) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 13\(2\)\(a\)](#); [S.I. 2014/889](#), art. 7(a) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))
- F12** Word in s. 314(1) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 13\(2\)\(b\)](#); [S.I. 2014/889](#), art. 7(a) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))
- F13** Words in s. 314(2) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 13\(3\)\(a\)](#); [S.I. 2014/889](#), art. 7(a) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))
- F14** Words in s. 314(2) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 13\(3\)\(b\)](#); [S.I. 2014/889](#), art. 7(a) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))
- F15** Words in s. 314(2) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 13\(3\)\(c\)](#); [S.I. 2014/889](#), art. 7(a) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))
- F16** S. 314(3) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 13\(4\)](#); [S.I. 2014/889](#), art. 7(a) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))
- F17** Words in s. 314(4) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 13\(5\)\(a\)](#); [S.I. 2014/889](#), art. 7(a) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))
- F18** Words in s. 314(4) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 13\(5\)\(b\)](#); [S.I. 2014/889](#), art. 7(a) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))

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