

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

Education Act 1996 (c. 56)

- 4 (1) The Education Act 1996 is amended as follows.
- (2) In section 7 (duty of parents to secure education of children of compulsory school age), in paragraph (b), after “special educational needs” insert “(in the case of a child who is in the area of a local authority in England) or additional learning needs (in the case of a child who is in the area of a local authority in Wales)”.
- (3) In section 14 (functions in respect of provision of primary and secondary schools)—
 - (a) in subsection (4B), for “special educational needs” substitute “additional learning needs”;
 - (b) in subsection (6)(b), after “needs” insert “(in the case of a local authority in England) or the need for securing that additional learning provision is made for pupils who have additional learning needs (in the case of a local authority in Wales)”.
- (4) In section 15A (powers in respect of education and training), in subsection (3), in paragraph (b), for “learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000)” substitute “additional learning needs”.
- (5) In section 15B (functions in respect of education for persons over 19), in subsection (3), in paragraph (b), for “learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000)” substitute “additional learning needs”.
- (6) In section 18A (provision of education for persons subject to youth detention), in subsection (2)—
 - (a) in paragraph (b), at the beginning, insert “in the case of a local authority in England,”;
 - (b) in paragraph (bb), for “any learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000)” substitute “any additional learning needs”.
- (7) In section 19 (exceptional provision of education in pupil referral units or elsewhere), in subsection (6), in the definition of “suitable education”—
 - (a) after “young person” insert “in the area of a local authority in England”;
 - (b) after “have” insert “and in relation to a child or young person in the area of a local authority in Wales, means efficient education suitable to the child’s or young person’s age, ability and aptitude and to any additional learning needs the child or young person may have”.
- (8) In section 29 (provision of information by local authorities), after subsection (4) insert—

“(4A) In subsection (4) as it applies in relation to the Welsh Ministers, the reference to special educational needs is to be interpreted as a reference to additional learning needs.”
- (9) Chapter 1 of Part 4 (children in Wales with special educational needs) is repealed.

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

- (10) In section 337 (special schools)—
- (a) the current provisions become subsection (1);
 - (b) in subsection (1), after “A school” insert “in England”;
 - (c) after subsection (1) insert—
 - “(2) A school in Wales is a special school if it is specially organised to make additional learning provision for pupils with additional learning needs and it is maintained by a local authority.”
- (11) Omit section 348 (provision of special education at non-maintained schools).
- (12) In section 349 (variation of trust deeds etc. by order)—
- (a) in subsection (1)—
 - (i) for “appropriate national authority” substitute “Secretary of State”;
 - (ii) for “it” substitute “the Secretary of State”;
 - (b) omit subsection (1A).
- (13) In section 436A (duty to make arrangements to identify children not receiving education), in subsection (3), after “any special educational needs he may have” insert “(in the case of a local authority in England) or suitable to the child’s age, ability and aptitude and to any additional learning needs the child may have (in the case of a local authority in Wales)”.
- (14) In section 438 (choice of school: child without plan or statement)—
- (a) in subsection (1), for “a statement under section 324” substitute “a child for whom an individual development plan is maintained in which a particular school is named”;
 - (b) in subsection (6), in paragraph (c), for “to any special educational needs he may have” substitute “—
 - (i) (in the case of a local authority in England) any special educational needs the child may have, or
 - (ii) (in the case of a local authority in Wales) any additional learning needs the child may have”;
 - (c) in the heading, for “or statement of special educational needs” substitute “, or an individual development plan which names a school”.
- (15) In section 440 (amendment of order at request of parent: child without plan or statement)—
- (a) in subsection (1), for “a statement under section 324” substitute “a child for whom an individual development plan is maintained in which a particular school is named”;
 - (b) in subsection (4), in paragraph (b), for “to any special educational needs he may have” substitute “—
 - (i) (in the case of a local authority in England) any special educational needs the child may have, or
 - (ii) (in the case of a local authority in Wales) any additional learning needs the child may have”;
 - (c) in the heading, for “or statement of special educational needs” substitute “, or an individual development plan which names a school”.
- (16) In section 441 (choice of school: child with plan or statement)—

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- (a) in subsection (1)—
 - (i) after “where a local authority” insert “in England”;
 - (ii) omit “(in the case of a local authority in England) or a statement under section 324 (in the case of a local authority in Wales)”;
 - (b) in subsection (2), omit “or statement”;
 - (c) in subsection (3)—
 - (i) in the opening words, omit “or statement”;
 - (ii) in paragraph (a), omit “or the statement”;
 - (d) omit subsection (3A);
 - (e) in subsection (4)—
 - (i) in paragraph (a), omit “or a statement under section 324”;
 - (ii) in paragraph (b), omit “or statement”;
 - (f) in the heading, omit “or statement of special educational needs”.
- (17) After section 441 insert—

“441A Choice of school: child with individual development plan which names a school

- (1) Where a local authority in Wales are required by virtue of section 437(3) to serve a school attendance order in respect of a child for whom an individual development plan is maintained in which a particular school is named, that school must be named in the order.
 - (2) Where—
 - (a) a school attendance order is in force in respect of a child for whom an individual development plan is maintained in which a particular school is named, and
 - (b) the name of the school specified in the plan is changed,the local authority must amend the order accordingly.
 - (3) Where—
 - (a) a school attendance order is in force in respect of a child for whom no individual development plan is maintained in which a particular school is named, and
 - (b) an individual development plan in which a particular school is named begins to be maintained for the child,the local authority must amend the order accordingly.”
- (18) In section 442 (revocation of order at request of parent)—
- (a) in subsection (5)—
 - (i) in the opening words, omit “or a statement under section 324 (in the case of a local authority in Wales)”;
 - (ii) in paragraph (a), omit “or the statement”;
 - (iii) in paragraph (b), omit “or the statement”;
 - (b) after subsection (5) insert—
 - “(6) Where, in the case of a local authority in Wales, the child in question is one for whom an individual development plan is maintained by the authority or by another local authority—

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- (a) subsections (2) to (4) do not apply if a school or other institution is named in the individual development plan, and
 - (b) in any other case a direction under subsection (4) may require the authority maintaining the individual development plan to make such amendments to the plan as is considered necessary or expedient in consequence of the determination.”
- (19) In section 458 (charges for board and lodging at boarding schools)—
- (a) in subsection (1), after “(5)” insert “and section 49 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018”;
 - (b) at the end, insert—
 - “(6) In its application to a local authority in Wales, references in this section to special educational needs are to be interpreted as references to additional learning needs.”
- (20) In section 463 (meaning of “independent school”), in subsection (1), in paragraph (b), for “is maintained or for whom a statement is maintained under section 324” substitute “or an individual development plan is maintained”.
- (21) In section 483A (city colleges and academies: special educational needs)—
- (a) in subsection (1), omit “if the condition in subsection (3) is satisfied”;
 - (b) in subsection (2), in paragraph (a), for “or a statement under section 324 is maintained” substitute “is maintained by a local authority in England, or for whom an individual development plan is maintained by a local authority in Wales”;
 - (c) omit subsection (3);
 - (d) in subsection (4)—
 - (i) in paragraph (a), for “the plan or the statement” substitute “the EHC plan, or for making the additional learning provision specified in the individual development plan (as the case may be)”;
 - (ii) in paragraph (b), for “the plan or the statement” substitute “the EHC plan or the individual development plan”;
 - (e) in the heading, after “needs” insert “and additional learning needs”.
- (22) In section 510 (provision of clothing), in subsection (2), after “special educational provision” insert “or additional learning provision (as the case may be)”.
- (23) In section 514 (provision of board and lodging otherwise than at a school)—
- (a) in subsection (2), after “local authority” insert “in England”;
 - (b) at the end, insert—
 - “(8) In its application to a local authority in Wales, references in this section to special educational needs are to be interpreted as references to additional learning needs.”
- (24) In section 517 (payment of fees at schools not maintained by a local authority)—
- (a) in subsection (1), omit “, Part 4 (special educational needs)”;
 - (b) in subsection (6), omit paragraph (e);
 - (c) at the end, insert—

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- “(8) In this section as it applies where a local authority in Wales makes arrangements under section 18 for primary or secondary education to be provided for a pupil at a school not maintained by a local authority—
- (a) references to special educational needs are to be interpreted as references to additional learning needs, and
 - (b) references to special educational provision are to be interpreted as references to additional learning provision.
- (9) Subsection (5) does not apply where board and lodging is secured for a pupil under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.”
- (25) Omit section 562C (detained person with statement of special educational needs).
- (26) Omit section 562D (appropriate special educational provision: arrangements between local authorities).
- (27) In section 562F (provision of information about detained persons), omit subsections (5) and (6).
- (28) Omit section 562G (information about detained person to be provided where statement of special educational needs previously maintained).
- (29) Omit section 562H (release of detained person appearing to host authority to require assessment).
- (30) In section 569 (regulations)—
- (a) in subsection (2B)—
 - (i) omit “332ZC, 332AA, 332BA, 332BB, 336,”;
 - (ii) for “or 444B” substitute “, 444B or (unless subsection (2BA) applies) Chapter 5A”;
 - (b) after subsection (2B), insert—
 - “(2BA) A statutory instrument which contains (whether alone or with other provision) regulations made by the Welsh Ministers under both section 562J(4) and section 39(2) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.
 - (2BB) A statutory instrument which contains (whether alone or with other provision) regulations under section 579(3C) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.”;
 - (c) omit subsections (5) and (6).
- (31) Omit section 569A (regulations made by the Welsh Ministers under Chapter 5A).
- (32) In section 579 (general interpretation)—
- (a) in subsection (1)—
 - (i) in the definition of “special educational needs”, omit paragraph (b);
 - (ii) in the definition of “special educational provision”, omit paragraph (b);

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(iii) insert the following definitions at the appropriate places—

““additional learning needs” has the meaning given by section 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018;”;

““additional learning provision” has the meaning given by section 3 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018;”;

““individual development plan” means a plan within Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018;”;

(b) omit subsection (1A).

(33) In section 580 (index)—

(a) insert the following entries in the appropriate places—

“additional learning needs	section 579(1)”;
“additional learning provision	section 579(1)”;
“individual development plan	section 579(1)”;
(b) omit the following entries—	
“the appropriate national authority (in Chapter 2 of Part 4)	section 337A”;
“the chairmen’s panel (in Part IV)	section 333(2)”;
“child for whom a local authority are responsible (in Part IV)	section 321(3)”;
“the lay panel (in Part IV)	section 333(2)”;
“learning difficulty (in relation to a child in the area of a local authority in Wales)	section 312(2) and (3) (subject to subsection (3A))”;
“the President (in Part IV)	section 333(2)”;
“responsible for a child (in Part IV in relation to a local authority)	section 321(3)”;
“subject to learning difficulty assessment	section 579(1)”;

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“the Tribunal (in Part IV) (in Chapter 1 section 313(5));
of Part 4)

- (c) in the entries for “Child”, omit the entry for “(in Part IV)”;
 - (d) in the entry for “grant maintained special school”, for “sections 337(4) and” substitute “section”;
 - (e) in the entries for “incorporation date”, omit the entry for “(in Part IV)”;
 - (f) in the entries for “maintained school”, omit the entry for “(in Part IV)”;
 - (g) in the entry for “maintained special school”, for “, 33(1) and 337(3)” substitute “and 33(1)”.
- (34) In Schedule 36A (education functions), in paragraph 2, in the entry for the Learning and Skills Act 2000, omit the entry for section 140(5).