



Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

PART 2

ADDITIONAL LEARNING NEEDS

CHAPTER 1

KEY TERMS, CODE AND PARTICIPATION

Key terms

2 Additional learning needs

- (1) A person has additional learning needs if he or she has a learning difficulty or disability (whether the learning difficulty or disability arises from a medical condition or otherwise) which calls for additional learning provision.
- (2) A child of compulsory school age or person over that age has a learning difficulty or disability if he or she—
 - (a) has a significantly greater difficulty in learning than the majority of others of the same age, or
 - (b) has a disability for the purposes of the Equality Act 2010 (c. 15) which prevents or hinders him or her from making use of facilities for education or training of a kind generally provided for others of the same age in mainstream maintained schools or mainstream institutions in the further education sector.
- (3) A child under compulsory school age has a learning difficulty or disability if he or she is, or would be if no additional learning provision were made, likely to be within subsection (2) when of compulsory school age.

Changes to legislation: Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 2 is up to date with all changes known to be in force on or before 26 April 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) View outstanding changes

- (4) A person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been used at home.
- (5) This section applies for the purposes of this Act.

Commencement Information

- I1** S. 2 in force at 1.9.2021 for specified purposes by S.I. 2021/373, arts. 3, 4 (as amended by S.I. 2021/938, art. 2(3))
- I2** S. 2 in force at 1.9.2021 for specified purposes by S.I. 2021/373, arts. 6, 7 (as amended by S.I. 2021/938, art. 2(4)(5))
- I3** S. 2 in force at 1.1.2022 for specified purposes by S.I. 2021/1245, arts. 3(a), 4 (with art. 1(4))
- I4** S. 2 in force at 1.1.2022 for specified purposes by S.I. 2021/1244, art. 3(a) (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3; (10.6.2022) by S.I. 2022/663, art. 3 and (21.8.2023) by S.I. 2023/932, art. 3)
- I5** S. 2 in force at 1.1.2022 for specified purposes by S.I. 2021/1243, art. 3(a) (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2; (10.6.2022) by S.I. 2022/663, art. 2 and (21.8.2023) by S.I. 2023/932, art. 2)
- I6** S. 2 in force at 1.9.2022 for specified purposes by S.I. 2022/891, art. 3(a) (with arts. 4-25) (as amended (21.8.2023) by S.I. 2023/932, art. 4)
- I7** S. 2 in force at 1.9.2022 for specified purposes by S.I. 2022/897, art. 3(a) (with arts. 1(8), 4-21) (as amended (21.8.2023) by S.I. 2023/932, art. 6)
- I8** S. 2 in force at 1.9.2022 for specified purposes by S.I. 2022/894, art. 3(a)
- I9** S. 2 in force at 1.9.2022 for specified purposes by S.I. 2022/892, art. 3(a) (with arts. 2, 4-18)
- I10** S. 2 in force at 1.9.2022 for specified purposes by S.I. 2022/893, art. 4 (with art. 1(2))
- I11** S. 2 in force at 1.9.2022 for specified purposes by S.I. 2022/898, arts. 2(a), 3
- I12** S. 2 in force at 1.9.2022 for specified purposes by S.I. 2022/896, art. 3(a) (with arts. 4-22) (as amended (21.8.2023) by S.I. 2023/932, art. 5)
- I13** S. 2 in force at 1.9.2022 for specified purposes by S.I. 2022/895, arts. 3(a), 4

Changes to legislation:

Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 2 is up to date with all changes known to be in force on or before 26 April 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.

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Changes and effects yet to be applied to :

- s. 2 coming into force by [S.I. 2022/893 art. 2\(a\)](#)
- specified provision(s) coming into force by [S.I. 2021/381 art. 23](#) (This commencement not applied to legislation.gov.uk. S.I. 2021/381 revoked (12.8.2021) by S.I. 2021/938, art. 3)
- specified provision(s) coming into force by [S.I. 2021/383 art. 23](#) (This commencement not applied to legislation.gov.uk. S.I. 2021/383 revoked (12.8.2021) by S.I. 2021/938, art. 4)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(3)(ca)(cb) inserted by [2022 asc 1 Sch. 4 para. 39\(2\)](#)
- s. 5(1)(da) inserted by [2022 asc 1 Sch. 4 para. 39\(3\)](#)
- s. 65(4)(da)(db) inserted by [2022 asc 1 Sch. 4 para. 39\(5\)](#)
- Sch. 1 para. 4(32)(a)(i)para. 4(32)(a)(ii)(b) coming into force by [S.I. 2022/893 art. 2\(o\)\(xi\)](#)