



# Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

## PART 2

### ADDITIONAL LEARNING NEEDS

#### CHAPTER 5

##### GENERAL

*Giving notice etc.*

#### **88 Giving notice etc. under this Part**

- (1) This section applies where a provision of this Part requires or authorises (in whatever terms) a governing body or local authority to—
  - (a) notify a person of something, or
  - (b) give a document to a person (including a notice or a copy of a document).
- (2) The notification or document may be given to the person in question—
  - (a) by delivering it to the person,
  - (b) by sending it by post to the person's proper address,
  - (c) by leaving it at the person's proper address, or
  - (d) if the conditions in subsection (3) are met, by sending it electronically.
- (3) A governing body or local authority may send a notification or document to a person electronically only if the following requirements are met—
  - (a) the person to whom the notification or document is to be given must have—
    - (i) indicated to the governing body or local authority a willingness to receive the notification or document electronically, and

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**Changes to legislation:** Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 88 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](#)

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- (ii) provided the governing body or local authority with an address suitable for that purpose, and
  - (b) the governing body or local authority sends the notification or document to that address.
- (4) For the purposes of this section and section 7 of the Interpretation Act 1978 (c. 30) (references to service by post) in its application to this section, the proper address of a person is the last known address of the person.
- (5) A notification or document given to a person by leaving it at the person's proper address is to be treated for the purposes of this Part as having been given at the time at which it was left at that address.
- [<sup>F1</sup>(6) A notification or document given to a person by sending it electronically in accordance with this section is to be treated for the purposes of this Part as having been given, unless the contrary is proved, on the day on which the electronic communication was sent.]

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#### Textual Amendments

- F1** S. 88(6) inserted (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), regs. 1(2), **4**

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#### Modifications etc. (not altering text)

- C1** S. 88 applied (with modifications) (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), regs. 1(2), **3**

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#### Commencement Information

- I1** S. 88 in force at 1.9.2021 by [S.I. 2021/373](#), **art. 8(h)**

**Changes to legislation:**

Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 88 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 :**

- 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 (12.8.20210) 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\(o\)\(xi\)](#)