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WELSH STATUTORY INSTRUMENTS

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**2021 No. 938 (W. 214) (C. 49)**

**EDUCATION, WALES**

The Additional Learning Needs and Education Tribunal  
(Wales) Act 2018 (Amendment of Commencement  
Order No. 2 and Revocation of Commencement Order  
No. 3 and Commencement Order No. 4) Order 2021

Made - - - -

12 August 2021

The Welsh Ministers, in exercise of the powers conferred by section 100(3) and (4) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(1), make the following Order:

**Title**

1. The title of this Order is the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Amendment of Commencement Order No. 2 and Revocation of Commencement Order No. 3 and Commencement Order No. 4) Order 2021.

**Amendment of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 2) Order 2021**

2.—(1) The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 2) Order 2021(2) is amended as follows.

(2) In article 1(2), insert in the appropriate place—

““school year” (“*blwyddyn ysgol*”) has the same meaning as in section 579(3) of the 1996 Act;”

““year 11” (“*blwyddyn 11*”) means a year group in which the majority of children will, in the school year, attain the age of 16”;

““year group” (“*grŵp blwyddyn*”) means a group of children at a school the majority of whom will, in a particular school year, attain the same age”.

(3) In article 4, before paragraph (a) insert—

“(za) who is in year 11;

(zb) who is not at a school and will attain the age of 16 during the 2021-2022 school year;”.

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(1) 2018 anaw 2.

(2) S.I. 2021/373 (W. 116) (C. 12) amended by S.I. 2021/735 (W. 184) (C. 34).

(3) Definition of “school year” was inserted by the Education Act 1997 (c. 44), section 57, paragraph 43 of Schedule 7.

(4) In article 6, after “falls into” insert “either of the paragraphs in”.

(5) For article 7 substitute—

“7. A person in relation to whom an individual development plan —

(a) is being prepared under section 40 or kept under section 42 of the Act;

(b) is being prepared or maintained under section 14 of the Act as a result of regulation 23 of the Additional Learning Needs (Wales) Regulations 2021(4).”

### **Revocation**

3. The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 3 and Transitional and Saving Provisions) Order 2021(5) is revoked.

4. The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 4 and Transitional and Saving Provisions) Order 2021(6) is revoked.

5. The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 3 and No. 4 and Transitional and Saving Provisions) (Amendment) Order 2021(7) is revoked.

12 August 2021

*Jeremy Miles*  
Minister for Education and Welsh Language, one  
of the Welsh Ministers

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(4) S.I. 2021/401 (W. 130).

(5) S.I. 2021/381 (W. 120) (C. 13) amended by S.I. 2021/516 (W. 153) (C. 17) and S. I. 2021/735 (W. 184) (C. 34).

(6) S.I. 2021/383 (W. 121) (C. 14) amended by S.I. 2021/516 (W. 153) (C. 17) and S.I. 2021/735 (W. 184) (C. 34).

(7) S.I. 2021/516 (W. 153) (C. 17).

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 2) Order 2021 in respect of those in year 11 or who will attain the age of 16 during the 2021-2022 school year (if not at a school).

This Order also revokes the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 3 and Transitional and Saving Provisions) Order 2021, the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 4 and Transitional and Saving Provisions) Order 2021 and the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 3 and No. 4 and Transitional and Saving Provisions) (Amendment) Order 2021.