
WELSH STATUTORY INSTRUMENTS

2021 No. 1243

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

Change of circumstances

18.—(1) This article applies to a child who had identified special educational needs on 1 January 2022—

- (a) who ceases to be a registered pupil at a maintained school in Wales,
 - (b) for whom a request for an IDP notice or a No IDP notice has not been made, and
 - (c) in relation to whom the old law applies.
- (2) On the date that the child ceases to be a registered pupil at that school—
- (a) the new law applies in relation to the child, and
 - (b) the old law ceases to apply in relation to the child.

(3) In this article “ceases to be a registered pupil” means that the pupil’s name is deleted from the admission register of the school in accordance with the Education (Pupil Registration) (Wales) Regulations 2010⁽¹⁾ but does not include a pupil who ceases to be a registered pupil as a result of one or more of the following—

- (i) reaching the end of the third term of the final year that the school generally provides education;
- (ii) the school being discontinued as a result of the implementation of a proposal made under section 43 (proposals to discontinue mainstream schools), section 44 (proposals to establish, alter or discontinue community special schools), section 59 (making and publication of proposals by Welsh Ministers), section 68 (proposals by Welsh Ministers) or section 80 (notice by governing body to discontinue foundation or voluntary school) of the School Standards and Organisation (Wales) Act 2013⁽²⁾;
- (iii) the school being discontinued as a result of a direction made under section 16 (power of Welsh Ministers to direct closure of school) or section 81 (direction requiring discontinuance of community special school) of the School Standards and Organisation (Wales) Act 2013;
- (iv) the pupil referral unit being permanently closed.

Commencement Information

II Art. 18 in force at made date

(1) S.I. 2010/1954 (W. 187).
(2) 2013 anaw. 1.

Changes to legislation:

There are currently no known outstanding effects for the The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 5 and Transitional and Saving Provisions) Order 2021, Section 18.