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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2021 Rhif 1245 (Cy. 317) (C. 70)**

**2021 No. 1245 (W. 317) (C. 70)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

Gorchymyn Deddf Anghenion  
Dysgu Ychwanegol a'r Tribiwnlys  
Addysg (Cymru) 2018 (Cychwyn  
Rhif 7) 2021

The Additional Learning Needs and  
Education Tribunal (Wales) Act  
2018 (Commencement No. 7) Order  
2021

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

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

Mae'r Gorchymyn hwn yn dwyn i rym ddarpariaethau yn Neddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 ("y Ddeddf").

This Order brings into force provisions of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 ("the Act").

Mae'r Ddeddf yn sefydlu fframwaith statudol ar gyfer cefnogi plant a phobl ifanc ag anghenion dysgu ychwanegol. Mae hyn yn disodli'r ddeddfwriaeth sy'n ymwneud ag anghenion addysgol arbennig ac asesu plant a phobl ifanc ag anawsterau dysgu.

The Act establishes a statutory framework for supporting children and young people with additional learning needs. This replaces the legislation surrounding special educational needs and the assessment of children and young people with learning difficulties.

Daw'r darpariaethau a restrir yn erthygl 3 i rym ar 1 Ionawr 2022 mewn perthynas â phersonau penodol. Mae'r Gorchymyn yn gwneud hyn drwy eithrio o'r cychwyn hwnnw bersonau sy'n dod o fewn categori a nodir yn erthygl 4 ar 1 Ionawr 2022. Mae'r categorïau sydd wedi eu heithrio yn cynnwys y rheini sy'n hŷn na'r oedran ysgol gorfodol a'r rheini sy'n ymwneud â'r fframwaith statudol presennol. Mae hyn yn cynnwys y rheini sydd ag anghenion addysgol arbennig a nodwyd (gweler erthygl 2).

The provisions listed in article 3 come into force on 1 January 2022 in relation to certain persons. The Order does this by excepting from that commencement persons who fall into a category set out in article 4 on 1 January 2022. The categories excepted include those over compulsory school age and those engaged with the current statutory framework. This includes those who have identified special educational needs (see article 2).

**NODYN AM Y GORCHMYNION CYCHWYN  
CYNHARACH**

Mae'r darpariaethau a ganlyn o'r Ddeddf wedi eu dwyn i rym drwy Orchymyn Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn(1):

<i>Y Ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>
Adrannau 2 i 3 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)
Adran 4 (yn rhannol)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)
Adran 5	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)
Adran 6 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)
Adran 7 (yn rhannol)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)
Adran 8 (yn rhannol)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)
Adrannau 10 i 14 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)
Adran 15	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)
Adran 16 (yn rhannol) (yn llawn)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)(2)
Adrannau 17 i 20 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)

**NOTE AS TO EARLIER COMMENCEMENT  
ORDERS**

The following provisions of the Act have been brought into force by Commencement Order made before the date of this Order(1):

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Sections 2 to 3 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Section 4 (partially)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W. 116)(C. 12)
Section 5	2 November 2020	S.I. 2020/1182 (W. 267)(C. 33)
Section 6 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Section 7 (partially)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W. 116)(C. 12)
Section 8 (partially)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W. 116)(C. 12)
Sections 10 to 14 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Section 15	2 November 2020	S.I. 2020/1182 (W. 267)(C. 33)
Section 16 (partially) (fully)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W. 116)(C. 12) (2)
Sections 17 to 20 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)

(1) *Gweler* Gorchymyn Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Cychwyn Rhif 5 a Darpariaethau Trosiannol a Darpariaethau Arbed) 2021 (O.S. 2021/1243 (Cy. 315) (C. 68)) a Gorchymyn Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Cychwyn Rhif 6 a Darpariaethau Trosiannol a Darpariaethau Arbed) 2021 (O.S. 2021/1244 (Cy. 316) (C. 69)) sy'n dwyn i rym ddarpariaethau at ddibenion penodol ar yr un dyddiad â'r Gorchymyn hwn.

(2) Diwygiwyd gan O.S. 2021/735 (Cy. 184) (C. 34).

(1) See the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No.5 and Transitional and Saving Provisions) Order 2021 (S.I. 2021/1243 (W. 315) (C. 68)) and the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 6 and Transitional and Saving Provisions) Order 2021 (S.I. 2021/1244 (W. 316) (C. 69)) which bring provisions into force for certain purposes on the same date as this Order.

(2) Amended by S.I. 2021/735 (W. 184) (C. 34).

Adran 21 (yn rhannol)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)	Section 21 (partially)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W. 116)(C. 12)
Adrannau 22 i 31 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 22 to 31 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 32 (yn rhannol)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)	Section 32 (partially)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W. 116)(C. 12)
Adrannau 33 i 35 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 33 to 35 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 36 (yn rhannol)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)	Section 36 (partially)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W. 116)(C. 12)
Adran 37	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 37	2 November 2020	S.I. 2020/1182 (W. 267)(C. 33)
Adran 38 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Section 38 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 39	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 39	2 November 2020	S.I. 2020/1182 (W. 267)(C. 33)
Adrannau 40 i 44 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 40 to 44 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 45	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 45	2 November 2020	S.I. 2020/1182 (W. 267)(C. 33)
Adran 46	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 46	2 November 2020	S.I. 2020/1182 (W. 267)(C. 33)
Adran 47 (yn rhannol)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)	Section 47 (partially)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W. 116)(C. 12)
Adrannau 48 i 49 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 48 to 49 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 50(1), (4) a (5) (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Section 50(1), (4) and (5) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 50(1), (2) a (3) (yn llawn)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Section 50(1), (2) and (3) (fully)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adrannau 51 i 53 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 51 to 53 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 54 (yn rhannol) (yn llawn)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)	Section 54 (partially) (fully)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W. 116)(C. 12)
Adran 55 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Section 55 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)

Adran 56 (yn rhannol) (yn llawn)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)	Section 56 (partially) (fully)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W.116)(C. 12)
Adran 56(1)	4 Ionawr 2021	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 56(1)	4 January 2021	S.I. 2020/1182 (W. 267)(C. 33)
Adran 56(4) i (6)	4 Ionawr 2021	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 56(4) to (6)	4 January 2021	S.I. 2020/1182 (W. 267)(C. 33)
Adrannau 57 i 58	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 57 to 58	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 59 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Section 59 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 60	4 Ionawr 2021	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 60	4 January 2021	S.I. 2020/1182 (W. 267)(C. 33)
Adran 61	4 Ionawr 2021	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 61	4 January 2021	S.I. 2020/1182 (W. 267)(C. 33)
Adran 62	4 Ionawr 2021	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 62	4 January 2021	S.I. 2020/1182 (W. 267)(C. 33)
Adrannau 63 i 64 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 63 to 64 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 65 (yn rhannol)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)	Section 65 (partially)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W. 116)(C. 12)
Adran 66 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Section 66 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 67	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 67	2 November 2020	S.I. 2020/1182 (W. 267)(C. 33)
Adrannau 68 i 69 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 68 to 69 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adrannau 70 i 73	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 70 to 73	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 74	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 74	2 November 2020	S.I. 2020/1182 (W. 267)(C. 33)
Adran 75 (yn rhannol) (yn llawn)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)	Section 75 (partially) (fully)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W.116)(C. 12)
Adran 76 (yn rhannol) (yn llawn)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)	Section 76 (partially) (fully)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W.116)(C. 12)
Adran 77 (yn rhannol) (yn llawn)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/374 (Cy. 116)(C. 12)	Section 77 (partially) (fully)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/374 (W.116)(C. 12)
Adrannau 78 i 81	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 78 to 81	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 82	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 82	2 November 2020	S.I. 2020/1182 (W. 267)(C. 33)

Adran 83 (yn rhannol) (yn llawn)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)	Section 83 (partially) (fully)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W.116)(C. 12)
Adran 84	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Section 84	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 85 (yn rhannol) (yn llawn)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)	Section 85 (partially) (fully)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W.116)(C. 12)
Adrannau 86 i 90	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 86 to 90	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 91 (yn rhannol) (yn llawn)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)	Section 91 (partially) (fully)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W.116)(C. 12)
Adran 92 (yn rhannol) (yn llawn)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)	Section 92 (partially) (fully)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W.116)(C. 12)
Adrannau 93 i 94	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 93 to 94	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 95 (yn rhannol) (yn llawn)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)	Section 95 (partially) (fully)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W.116)(C. 12)
Adran 96 (yn rhannol)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)	Section 96 (partially)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 1 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 1 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 2(1), 2(2)(b) a 2(3)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 2(1), 2(2)(b) and 2(3)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 3	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 3	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 4(1), 4(2) i 4(8), 4(9), 4(10), 4(13) i 4(18), 4(19)(b), 4(20), 4(21), 4(23) i 4(29), 4(32)(a)(i) a (ii), 4(32)(b) (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 4(1), 4(2) to 4(8), 4(9), 4(10), 4(13) to 4(18), 4(19)(b), 4(20), 4(21), 4(23) to 4(29), 4(32)(a)(i) and (ii), 4(32)(b) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)

Yr Atodlen, paragraff 4(9) (i'r graddau y mae'n hepgor adrannau 333(1ZA), 333(2) i 333(6) a 334 i 335), 4(12), 4(19)(a), 4(22), 4(30)(a)(ii), 4(30)(b), 4(31), 4(32)(a)(iii), 4(33)(a), 4(33)(b) (i'r graddau y mae'n hepgor diffiniadau penodol), 4(33)(d), 4(33)(e) a 4(33)(g)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 4(9) (in so far as it omits sections 333(1ZA), 333(2) to 333(6) and 334 to 335), 4(12), 4(19)(a), 4(22), 4(30)(a)(ii), 4(30)(b), 4(31), 4(32)(a)(iii), 4(33)(a), 4(33)(b) (in so far as it omits certain definitions), 4(33)(d), 4(33)(e) and 4(33)(g)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 6(d)(v), 6(f), 6(g), 6(j)(i), 6(l)(i), 6(l)(iii), 6(n)(ii) (i'r graddau y mae'n hepgor paragraff 11 o Atodlen 2), a 6(t)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 6(d)(v), 6(f), 6(g), 6(j)(i), 6(l)(i), 6(l)(iii), 6(n)(ii) (in so far as it omits paragraph 11 of Schedule 2), and 6(t)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 7 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 7 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 8 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 8 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraffau 9 a 10	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraphs 9 and 10	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 11(a) (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 11(a) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 11(b)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 11(b)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)

Yr Atodlen, paragraff 12(a) (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 12(a) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 12(b)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 12(b)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 13	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 13	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 14(1) i (3) (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 14(1) to (3) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 14(1) a 14(4)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 14(1) and 14(4)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 15(1) a 15(3) i 15(4)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 15(1) and 15(3) to 15(4)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraffau 17 a 18	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraphs 17 and 18	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 19(1), (2), (3), (5)(a) i (d), (5)(e)(i), (5)(f) a (6)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 19(1), (2), (3), (5)(a) to (d), (5)(e)(i), (5)(f) and (6)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 19(1), (4) a (5)(g) ac (h) (yn rhannol) (yn llawn)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)	The Schedule, paragraph 19(1),(4) and (5)(g) and (h) (partially) (fully)	2 November 2020	S.I. 2020/1182 (W. 267)(C. 33)
Yr Atodlen, paragraff 19(1), (5)(e)(ii) (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 19(1), (5)(e)(ii) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 20	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 20	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 21(1), (2)(a)(i) a (2)(b)(ii) (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 21 (1), (2)(a)(i) and (2)(b)(ii) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 21(1) ac 21(b)(i)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 21(1) and 21(b)(i)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)

Yr Atodlen, paragraff 22 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 22 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 23(1), 23(3)(a) i (c) a (5)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 23(1), 23(3)(a) to (c) and (5)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 23(1) a (4) (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 23(1) and (4) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 24(1) a 24(3) a (6)(a) (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 24(1) and 24(3) and (6)(a) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 24(1), 24(2), (5) a (6)(b) ac (c)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)(1)	The Schedule, paragraph 24(1), 24(2), (5) and (6)(b) and (c)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12) (1)

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(1) Diwygiwyd gan O.S. 2021/735 (Cy. 184) (C. 34).

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(1) Amended by S.I. 2021/735 (W. 184) (C. 34).



**2021 Rhif 1245 (Cy. 317) (C. 70)**

**2021 No. 1245 (W. 317) (C. 70)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

Gorchymyn Deddf Anghenion  
Dysgu Ychwanegol a'r Tribiwnlys  
Addysg (Cymru) 2018 (Cychwyn  
Rhif 7) 2021

The Additional Learning Needs and  
Education Tribunal (Wales) Act  
2018 (Commencement No. 7) Order  
2021

*Gwnaed*

*9 Tachwedd 2021*

*Made*

*9 November 2021*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 100(3) a (4) o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018(1), yn gwneud y Gorchymyn a ganlyn:

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:

**Enwi a dehongli**

**Title and interpretation**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Cychwyn Rhif 7) 2021.

1.—(1) The title of this Order is the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 7) Order 2021.

(2) Yn y Gorchymyn hwn—

(2) In this Order—

mae i “anhawster dysgu” yr un ystyr â “learning difficulty” yn—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996(2);

(i) adran 312(2) o Ddeddf 1996—

“the 2014 Act” (“*Deddf 2014*”) means the Children and Families Act 2014(3);

(aa) mewn perthynas â phlentyn yn ardal awdurdod lleol yng Nghymru ond nid plentyn sy'n ddisgybl cofrestredig mewn ysgol brif ffrwd yn Lloegr,

“the Act” (“y *Ddeddf*”) means the Additional Learning Needs and Education Tribunal (Wales) Act 2018;

(bb) mewn perthynas â phlentyn yn ardal awdurdod lleol yn Lloegr sy'n ddisgybl cofrestredig mewn ysgol a gynhelir yng Nghymru, fel pe bai “in the area of a local authority in Wales” wedi ei hepgor,

“compulsory school age” (“*oedran ysgol gorfodol*”) has the same meaning as in section 8(4) of the 1996 Act;

“EHC plan” (“*cynllun AIG*”) has the same meaning as in section 37(2) of the 2014 Act;

(1) 2018 dccc 2.

(1) 2018 anaw 2.

(2) 1996 c. 56.

(3) 2014 c. 6.

(4) Section 8 was amended by section 52 of the Education Act 1997 (c. 44).

- (ii) adran 20 o Ddeddf 2014 mewn perthynas â phlentyn yn ardal awdurdod lleol yng Nghymru sy'n ddisgybl cofrestredig mewn ysgol brif ffrwd yn Lloegr;

mae i “asesiad o anghenion AIG” yr un ystyr ag “EHC needs assessment” yn adran 36(2) o Ddeddf 2014;

mae i “awdurdod lleol” yr un ystyr â “local authority” yn adran 579 o Ddeddf 1996;

ystyr “blwyddyn 11” (“*year 11*”) yw grŵp blwyddyn y bydd mwyafrif y plant, yn ystod y flwyddyn ysgol, yn cyrraedd 16 oed;

mae i “blwyddyn ysgol” yr un ystyr â “school year” yn adran 579(1) o Ddeddf 1996;

mae i “cynllun AIG” yr un ystyr ag “EHC Plan” yn adran 37(2) o Ddeddf 2014;

mae i “darpariaeth addysgol arbennig” yr un ystyr â “special educational provision” yn—

- (i) adran 312(4) o Ddeddf 1996—

(aa) mewn perthynas â phlentyn yn ardal awdurdod lleol yng Nghymru ond nid plentyn sy'n ddisgybl cofrestredig mewn ysgol brif ffrwd yn Lloegr,

(bb) mewn perthynas â phlentyn yn ardal awdurdod lleol yn Lloegr sy'n ddisgybl cofrestredig mewn ysgol a gynhelir yng Nghymru fel pe bai “in relation to a child in the area of a local authority in Wales” wedi ei hepgor,

- (ii) adran 21 o Ddeddf 2014 mewn perthynas â phlentyn yn ardal awdurdod lleol yng Nghymru sy'n ddisgybl cofrestredig mewn ysgol brif ffrwd yn Lloegr;

ystyr “Deddf 1996” (“*the 1996 Act*”) yw Deddf Addysg 1996(2);

ystyr “Deddf 2014” (“*the 2014 Act*”) yw Deddf Plant a Theuluoedd 2014(3);

mae i “disgybl cofrestredig” yr un ystyr â “registered pupil” yn adran 434 o Ddeddf 1996;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018;

ystyr “grŵp blwyddyn” (“*year group*”) yw grŵp o blant mewn ysgol y bydd y mwyafrif ohonynt,

“EHC needs assessment” (“*asesiad o anghenion AIG*”) has the same meaning as in section 36(2) of the 2014 Act;

“in the area of a local authority in England” (“*yn ardal awdurdod lleol yn Lloegr*”) has the same meaning as in section 579(3A) of the 1996 Act;

“in the area of a local authority in Wales” (“*yn ardal awdurdod lleol yng Nghymru*”) has the same meaning as in section 579(3B) of the 1996 Act;

“learning difficulty” (“*anhawster dysgu*”) has the same meaning as in—

- (i) section 312(2) of the 1996 Act—

(aa) in relation to a child in the area of a local authority in Wales but not a child who is a registered pupil at a mainstream school in England,

(bb) in relation to a child in the area of a local authority in England who is a registered pupil at a maintained school in Wales, as if “in the area of a local authority in Wales” were omitted,

- (ii) section 20 of the 2014 Act in relation to a child in the area of a local authority in Wales who is a registered pupil at a mainstream school in England;

“local authority” (“*awdurdod lleol*”) has the same meaning as in section 579 of the 1996 Act;

“mainstream school” (“*ysgol brif ffrwd*”) has the same meaning as in section 83(2) of the 2014 Act;

“maintained school” (“*ysgol a gynhelir*”) means any community, foundation or voluntary school or any community special school not established in a hospital within the meaning of the School Standards and Framework Act 1998(1);

“proprietor” (“*perchennog*”) has the same meaning as in section 579 of the 1996 Act;

“registered pupil” (“*disgybl cofrestredig*”) has the same meaning as in section 434 of the 1996 Act;

“school year” (“*blwyddyn ysgol*”) has the same meaning as in section 579(2) of the 1996 Act;

“special educational provision” (“*darpariaeth addysgol arbennig*”) has the same meaning as in—

(1) Mewnosodwyd diffiniad o “school year” gan Ddeddf Addysg 1997 (p. 44), adran 57, paragraff 43 o Atodlen 7.

(2) 1996 p. 56.

(3) 2014 p. 6.

(1) 1998 c. 31.

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

mewn blwyddyn ysgol benodol, yn cyrraedd yr un oedran;

mae i “oedran ysgol gorfodol” yr un ystyr â “compulsory school age” yn adran 8(1) o Ddeddf 1996;

mae i “perchennog” yr un ystyr â “proprietor” yn adran 579 o Ddeddf 1996;

ystyr “Rheolau’r Tribiwnlys” (“*Tribunal Rules*”) yw Rheoliadau Tribiwnlys Anghenion Addysgol Arbennig Cymru 2012(2);

ystyr “Tribiwnlys” (“*Tribunal*”) yw Tribiwnlys Addysg Cymru(3);

mae i “yn ardal awdurdod lleol yng Nghymru” yr un ystyr ag “in the area of a local authority in Wales” yn adran 579(3B) o Ddeddf 1996;

mae i “yn ardal awdurdod lleol yn Lloegr” yr un ystyr ag “in the area of a local authority in England” yn adran 579(3A) o Ddeddf 1996;

ystyr “ysgol a gynhelir” (“*maintained school*”) yw unrhyw ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol neu unrhyw ysgol arbennig gymunedol nad yw wedi ei sefydlu mewn ysbyty o fewn ystyr Deddf Safonau a Fframwaith Ysgolion 1998(4);

mae i “ysgol brif ffrwd” yr un ystyr â “mainstream school” yn adran 83(2) o Ddeddf 2014.

(3) At ddibenion y Gorchymyn hwn dyfernir yn derfynol ar apêl—

- (a) os caiff penderfyniad ei wneud gan dribiwnlys neu lys ar yr apêl, a
- (b) os caniateir gwneud cais i adolygu’r penderfyniad neu os caniateir ei apelio ymhellach, a daw’r cyfnod (neu bob un o’r cyfnodau) ar gyfer gwneud hynny i ben heb fod cais am adolygiad wedi ei wneud neu apêl bellach wedi ei dwyn.

(4) Nid yw’r Gorchymyn hwn yn gymwys i berson y cychwynwyd darpariaethau’r Ddeddf mewn perthynas ag ef gan Orchymyn Deddf Anghenion Dysgu Ychwanegol a’r Tribiwnlys Addysg (Cymru) 2018 (Cychwyn Rhif 2) 2021(5).

(i) section 312(4) of the 1996 Act—

- (aa) in relation to a child in the area of a local authority in Wales but not a child who is a registered pupil at a mainstream school in England,
- (bb) in relation to a child in the area of a local authority in England who is a registered pupil at a maintained school in Wales as if “in relation to a child in the area of a local authority in Wales” were omitted,

(ii) section 21 of the 2014 Act in relation to a child in the area of a local authority in Wales who is a registered pupil at a mainstream school in England;

“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;

“Tribunal” (“*Tribiwnlys*”) means the Education Tribunal for Wales(1);

“Tribunal Rules” (“*Rheolau’r Tribiwnlys*”) means Special Educational Needs Tribunal for Wales Regulations 2012(2).

(3) For the purposes of this Order an appeal is finally determined if—

- (a) a decision is made by a tribunal or court on the appeal, and
- (b) if a request may be made to review the decision or it may be further appealed, and the period (or each of the periods) for doing so expires without a review being requested or further appeal being brought.

(4) This Order does not apply to a person in relation to whom provisions of the Act were commenced by the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 2) Order 2021(3).

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(1) Diwygiwyd adran 8 gan adran 52 o Ddeddf Addysg 1997 (p. 44).

(2) O.S. 2012/322 (Cy. 53).

(3) Arferai Tribiwnlys Addysg Cymru gael ei alw’n Dribiwnlys Anghenion Addysgol Arbennig Cymru. *Gweler* adran 91 o Ddeddf Anghenion Dysgu Ychwanegol a’r Tribiwnlys Addysg (Cymru) 2018.

(4) 1998 p. 31.

(5) O.S. 2021/373 (Cy. 116) (C. 12) a ddiwygiwyd gan O.S. 2021/735 (Cy. 184) (C. 34) ac O.S. 2021/938 (Cy. 214) (C. 49).

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(1) The Education Tribunal for Wales was previously known as the Special Educational Needs Tribunal for Wales. *See* section 91 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

(2) S.I. 2012/322 (W. 53).

(3) S.I. 2021/373 (W. 116) (C. 12) amended by S.I. 2021/735 (W. 184) (C. 34) and S.I. 2021/938 (W. 214) (C. 49).

## Ystyr anghenion addysgol arbennig a nodwyd

2. Mae gan blentyn “P” “anghenion addysgol arbennig a nodwyd” at ddibenion y Gorchymyn hwn os oes gan P anhawster dysgu a nodwyd gan berchennog neu awdurdod lleol sy’n galw am wneud darpariaeth addysgol arbennig ar gyfer P.

## Y darpariaethau sy’n dod i rym ar 1 Ionawr 2022

3. Daw’r darpariaethau a ganlyn o’r Ddeddf i rym ar 1 Ionawr 2022 ac eithrio mewn perthynas â pherson sy’n dod o fewn unrhyw un neu ragor o’r paragraffau yn erthygl 4 ar 1 Ionawr 2022—

- (a) adrannau 2 i 4;
- (b) adrannau 6 i 14;
- (c) adrannau 17 i 36;
- (d) adran 38;
- (e) adrannau 40 i 44;
- (f) adrannau 47 i 49;
- (g) adran 50(1) at ddibenion y darpariaethau ym mharagraff (h);
- (h) adran 50(4) i (5);
- (i) adrannau 51 i 53;
- (j) adran 55;
- (k) adran 59;
- (l) adrannau 63 i 66;
- (m) adrannau 68 i 69;
- (n) adran 96 at ddibenion y darpariaethau ym mharagraff (o);
- (o) yn yr Atodlen—
  - (i) paragraff 1;
  - (ii) paragraff 4(1) at ddibenion y darpariaethau yn is-baragraffau (iii) i (x);
  - (iii) paragraff 4(2) i 4(8);
  - (iv) paragraff 4(9);
  - (v) paragraff 4(10);
  - (vi) paragraff 4(13) i 4(18);
  - (vii) paragraff 4(19)(b);
  - (viii) paragraff 4(20) a 4(21);
  - (ix) paragraff 4(23) i 4(29);
  - (x) paragraff 4(32)(a)(i) a (ii) a pharagraff 4(32)(b);
  - (xi) paragraff 7;
  - (xii) paragraff 8;
  - (xiii) paragraff 11(a);
  - (xiv) paragraff 12(a);

## Meaning of identified special educational needs

2. A child “C” has “identified special educational needs” for the purposes of this Order if C has a learning difficulty identified by a proprietor or a local authority which calls for special educational provision to be made for C.

## Provisions coming into force on 1 January 2022

3. The following provisions of the Act come into force on 1 January 2022 except in relation to a person who falls into any of the paragraphs in article 4 on 1 January 2022—

- (a) sections 2 to 4;
- (b) sections 6 to 14;
- (c) sections 17 to 36;
- (d) section 38;
- (e) sections 40 to 44;
- (f) sections 47 to 49;
- (g) section 50(1) for the purposes of the provisions in paragraph (h);
- (h) section 50(4) to (5);
- (i) sections 51 to 53;
- (j) section 55;
- (k) section 59;
- (l) sections 63 to 66;
- (m) sections 68 to 69;
- (n) section 96 for the purposes of the provisions in paragraph (o);
- (o) in the Schedule—
  - (i) paragraph 1;
  - (ii) paragraph 4(1) for the purposes of the provisions in sub-paragraphs (iii) to (x);
  - (iii) paragraph 4(2) to 4(8);
  - (iv) paragraph 4(9);
  - (v) paragraph 4(10);
  - (vi) paragraph 4(13) to 4(18);
  - (vii) paragraph 4(19)(b);
  - (viii) paragraph 4(20) and 4(21);
  - (ix) paragraph 4(23) to 4(29);
  - (x) paragraph 4(32)(a)(i) and (ii) and paragraph 4(32)(b);
  - (xi) paragraph 7;
  - (xii) paragraph 8;
  - (xiii) paragraph 11(a);
  - (xiv) paragraph 12(a);

- (xv) paragraff 14(1) at ddibenion y darpariaethau yn is-baragraff (xvi);
- (xvi) paragraff 14(2) a (3);
- (xvii) paragraff 19(1) at ddiben y ddarpariaeth yn is-baragraff (xviii);
- (xviii) paragraff 19(5)(e)(ii);
- (xix) paragraff 21(1) at ddibenion y darpariaethau yn is-baragraff (xx);
- (xx) paragraff 21(2)(a)(i) a (2)(b)(ii);
- (xxi) paragraff 22;
- (xxii) paragraff 23(1) at ddiben y ddarpariaeth yn is-baragraff (xxiii);
- (xxiii) paragraff 23(4);
- (xxiv) paragraff 24(1) at ddibenion y darpariaethau yn is-baragraff (xxv);
- (xxv) paragraff 24(3) a (6)(a).

#### 4. Person—

- (a) sydd ym mlwyddyn 11;
- (b) nad yw mewn ysgol ac a fydd yn cyrraedd 16 oed yn ystod y flwyddyn ysgol 2021-2022;
- (c) sy'n hŷn na'r oedran ysgol gorfodol;
- (d) sydd ag anghenion addysgol arbennig a nodwyd;
- (e) y mae awdurdod lleol wedi cyflwyno hysbysiad mewn perthynas ag ef o dan adran 323 o Ddeddf 1996 ac nad yw'r asesiad wedi cychwyn ac nad oes hysbysiad wedi ei roi o dan adran 323(6) o Ddeddf 1996;
- (f) y mae cais wedi ei wneud mewn perthynas ag ef o dan adran 329 neu 329A o Ddeddf 1996 am asesiad o dan adran 323 o Ddeddf 1996 ac nad yw'r awdurdod lleol wedi penderfynu pa un ai i asesu ai peidio;
- (g) y mae cais wedi ei wneud mewn perthynas ag ef o dan adran 329 neu 329A o Ddeddf 1996 am asesiad o dan adran 323 o Ddeddf 1996 a bod yr awdurdod lleol yn penderfynu peidio â chydymffurfio â'r cais ac—
  - (i) nad yw'r amser y mae rhaid i apêl o dan adran 329(2) neu 329A(8) o Ddeddf 1996 gael ei dwyn ynddo o dan Ran B o Reolau'r Tribiwnlys wedi dod i ben;
  - (ii) bod apêl wedi ei dwyn i'r Tribiwnlys o dan adran 329(2) neu 329A(8) o Ddeddf 1996 mewn perthynas â'r penderfyniad hwnnw ond na ddyfarnwyd yn derfynol arni; neu

- (xv) paragraph 14(1) for the purposes of the provisions in sub-paragraph (xvi);
- (xvi) paragraph 14(2) and (3);
- (xvii) paragraph 19(1) for the purpose of the provision in sub-paragraph (xviii);
- (xviii) paragraph 19(5)(e)(ii);
- (xix) paragraph 21(1) for the purposes of the provisions in sub-paragraph (xx);
- (xx) paragraph 21(2)(a)(i) and (2)(b)(ii);
- (xxi) paragraph 22;
- (xxii) paragraph 23(1) for the purpose of the provision in sub-paragraph (xxiii);
- (xxiii) paragraph 23(4);
- (xxiv) paragraph 24(1) for the purposes of the provisions in sub-paragraph (xxv);
- (xxv) paragraph 24(3) and (6)(a).

#### 4. A person—

- (a) who is in year 11;
- (b) who is not at a school and will attain the age of 16 during the 2021-2022 school year;
- (c) who is over compulsory school age;
- (d) who has identified special educational needs;
- (e) in relation to whom a local authority has served a notice under section 323 of the 1996 Act and the assessment has not commenced and no notice has been given under section 323(6) of the 1996 Act;
- (f) in relation to whom a request has been made under section 329 or 329A of the 1996 Act for an assessment under section 323 of the 1996 Act and the local authority has not determined whether to assess;
- (g) in relation to whom a request has been made under section 329 or 329A of the 1996 Act for an assessment under section 323 of the 1996 Act and the local authority determines not to comply with the request and—
  - (i) the time within which an appeal under section 329(2) or 329A(8) of the 1996 Act has to be brought under Part B of the Tribunal Rules has not ended;
  - (ii) an appeal to the Tribunal under section 329(2) or 329A(8) of the 1996 Act in relation to that determination has been brought but not finally determined; or

- (iii) dyfarnwyd yn derfynol ar apêl i'r Tribiwnlys o dan adran 329(2) neu 329A(8) o Ddeddf 1996 mewn perthynas â'r penderfyniad hwnnw a gorchmynnwyd i'r awdurdod lleol drefnu asesiad, ac nad yw'r asesiad hwnnw wedi cychwyn;
- (h) y mae awdurdod lleol yn ymgymryd ag asesiad o anghenion addysgol mewn perthynas ag ef o dan adran 323 o Ddeddf 1996;
- (i) y mae awdurdod lleol yn bwriadu peidio â gwneud datganiad mewn perthynas ag ef yn dilyn asesiad ac—
  - (i) nad yw'r amser y mae rhaid i apêl o dan adran 325(2) o Ddeddf 1996 gael ei dwyn ynddo o dan Ran B o Reolau'r Tribiwnlys wedi dod i ben;
  - (ii) bod apêl wedi ei dwyn i'r Tribiwnlys o dan adran 325(2) o Ddeddf 1996 mewn perthynas â'r penderfyniad hwnnw ond na ddyfarnwyd yn derfynol arni;
  - (iii) dygwyd apêl i'r Tribiwnlys o dan adran 325(2) o Ddeddf 1996 mewn perthynas â'r penderfyniad hwnnw a dyfarnwyd yn derfynol arni a gorchmynnwyd i'r awdurdod lleol—
    - (aa) gwneud a chynnal datganiad ac nad yw'r broses o wneud y datganiad wedi cychwyn; neu
    - (bb) ailystyried ei benderfyniad ac nad yw'r ailystyried hwnnw wedi cychwyn;
- (j) y mae awdurdod lleol wedi penderfynu peidio â chynnal datganiad mewn perthynas ag ef o dan baragraff 11(1) o Atodlen 27 i Ddeddf 1996 mwyach ac—
  - (i) nad yw'r amser y mae rhaid i apêl o dan baragraff 11(2)(b) o'r Atodlen honno gael ei dwyn ynddo o dan Ran B o Reolau'r Tribiwnlys wedi dod i ben; neu
  - (ii) bod apêl wedi ei dwyn i'r Tribiwnlys o dan baragraff 11(2)(b) o'r Atodlen honno mewn perthynas â'r penderfyniad hwnnw ond na ddyfarnwyd yn derfynol arni;
- (k) y mae asesiad mewn perthynas ag ef o dan adran 331 o Ddeddf 1996 yn mynd rhagddo;
- (iii) an appeal to the Tribunal under section 329(2) or 329A(8) of the 1996 Act in relation to that determination was finally determined and the local authority was ordered to arrange an assessment, and that assessment has not commenced;
- (h) in relation to whom a local authority is undertaking an assessment of educational needs under section 323 of the 1996 Act;
- (i) in relation to whom a local authority proposes not to make a statement following an assessment and—
  - (i) the time within which an appeal under section 325(2) of the 1996 Act has to be brought under Part B of the Tribunal Rules has not ended;
  - (ii) an appeal to the Tribunal under section 325(2) of the 1996 Act in relation to that decision has been brought but not finally determined;
  - (iii) an appeal to the Tribunal under section 325(2) of the 1996 Act in relation to that decision was brought and finally determined and the local authority was ordered to—
    - (aa) make and maintain a statement and the making of the statement has not commenced; or
    - (bb) reconsider its decision and that reconsideration has not commenced;
- (j) in relation to whom the local authority has determined to cease to maintain a statement under paragraph 11(1) of Schedule 27 to the 1996 Act and—
  - (i) the time within which an appeal under paragraph 11(2)(b) of that Schedule has to be brought under Part B of the Tribunal Rules has not ended; or
  - (ii) an appeal to the Tribunal under paragraph 11(2)(b) of that Schedule has been brought in relation to that decision but not finally determined;
- (k) in relation to whom an assessment under section 331 of the 1996 Act is ongoing;

- (l) nad yw'n hŷn na'r oedran ysgol gorfodol ond y mae asesiad mewn perthynas ag ef o dan adran 140 o Ddeddf Dysgu a Sgiliau 2000(1)—
- (i) yn mynd rhagddo; neu
  - (ii) wedi arwain at adroddiad ar anghenion addysgol a hyfforddi y person a'r ddarpariaeth sy'n ofynnol i'w diwallu;
- (m) y mae cais wedi ei wneud mewn perthynas ag ef i awdurdod lleol i sicrhau asesiad o anghenion AIG o dan adran 36(1) o Ddeddf 2014 ac nad yw'r awdurdod lleol wedi penderfynu ar y cais hwnnw o dan adran 36(3);
- (n) y mae awdurdod lleol wedi penderfynu, o dan adran 36, beidio â sicrhau asesiad AIG mewn perthynas ag ef ac—
- (i) nad yw'r cyfnod ar gyfer dilyn cyfryngu mewn perthynas â'r penderfyniad hwnnw o dan adran 52 o Ddeddf 2014 wedi dod i ben;
  - (ii) bod cyfryngu o dan adran 55 o Ddeddf 2014 yn mynd rhagddo mewn perthynas â'r penderfyniad hwnnw;
  - (iii) bod tystysgrif gyfryngu wedi ei dyroddi o dan adran 55(4) o Ddeddf 2014 mewn perthynas â'r penderfyniad hwnnw ac nad yw'r cyfnod ar gyfer cyflwyno apêl i'r Tribiwnlys Haen Gyntaf o dan adran 51 o Ddeddf 2014 wedi dod i ben;
  - (iv) bod apêl wedi ei dwyn i'r Tribiwnlys Haen Gyntaf o dan adran 51(2)(a) o Ddeddf 2014 mewn perthynas â'r penderfyniad hwnnw ond na ddyfarnwyd yn derfynol arni;
  - (v) bod apêl wedi ei dwyn i'r Tribiwnlys Haen Gyntaf o dan adran 51(2)(a) o Ddeddf 2014 mewn perthynas â'r penderfyniad hwnnw a dyfarnwyd yn derfynol arni a gorchmynnwyd i'r awdurdod lleol drefnu asesiad neu ailasesiad, ac nad yw'r asesiad hwnnw neu'r ailasesiad hwnnw wedi cychwyn;
- (o) y mae awdurdod lleol wedi cyflwyno hysbysiad mewn perthynas ag ef o dan adran 36(7) o Ddeddf 2014 ei fod yn ystyried sicrhau asesiad o anghenion AIG ac—
- (i) nad yw'r asesiad wedi cychwyn,
  - (ii) bod yr asesiad yn mynd rhagddo, neu
- (l) who is not over compulsory school age but in relation to whom an assessment under section 140 of the Learning and Skills Act 2000(1)—
- (i) is ongoing; or
  - (ii) has resulted in a report of the person's educational and training needs and the provision required to meet them;
- (m) in relation to whom a request to a local authority has been made to secure an EHC needs assessment under section 36(1) of the 2014 Act and the local authority has not determined that request under section 36(3);
- (n) in relation to whom a local authority has determined under section 36 not to secure an EHC assessment and—
- (i) the period for pursuing mediation in relation to that determination under section 52 of the 2014 Act has not ended;
  - (ii) mediation under section 55 of the 2014 Act is ongoing in relation to that determination;
  - (iii) a mediation certificate has been issued under section 55(4) of the 2014 Act in relation to that determination and the period for submitting an appeal to the First-tier Tribunal under section 51 of the 2014 Act has not ended;
  - (iv) an appeal to the First-tier Tribunal under section 51(2)(a) of the 2014 Act in relation to that determination has been brought but not finally determined;
  - (v) an appeal to the First-tier Tribunal under section 51(2)(a) of the 2014 Act in relation to that determination has been brought and fully determined and the local authority was ordered to arrange an assessment or re-assessment, and that assessment or re-assessment has not commenced;
- (o) in relation to whom a local authority has served a notice under section 36(7) of the 2014 Act that it is considering securing an EHC needs assessment and —
- (i) the assessment has not commenced,
  - (ii) the assessment is ongoing, or

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(1) 2000 p. 21.

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(1) 2000 c. 21.

- (iii) nad oes hysbysiad wedi ei gyflwyno o dan adran 36(9) o Ddeddf 2014;
  - (p) y mae awdurdod lleol wedi penderfynu o dan adran 36(9) o Ddeddf 2014 nad yw'n angenrheidiol gwneud darpariaeth addysgol arbennig yn unol â chynllun AIG mewn perthynas ag ef ac—
    - (i) nad yw'r cyfnod ar gyfer dilyn cyfryngu mewn perthynas â'r penderfyniad hwnnw o dan adran 52 o Ddeddf 2014 wedi dod i ben;
    - (ii) bod cyfryngu o dan adran 55 o Ddeddf 2014 yn mynd rhagddo mewn perthynas â'r penderfyniad hwnnw;
    - (iii) bod tystysgrif gyfryngu wedi ei dyroddi o dan adran 55(4) o Ddeddf 2014 mewn perthynas â'r penderfyniad hwnnw ac nad yw'r cyfnod ar gyfer cyflwyno apêl i'r Tribiwnlys Haen Gyntaf o dan adran 51 o Ddeddf 2014 wedi dod i ben;
    - (iv) bod apêl wedi ei dwyn i'r Tribiwnlys Haen Gyntaf o dan adran 51(2)(b) o Ddeddf 2014 mewn perthynas â'r penderfyniad hwnnw ond na ddyfarnwyd yn derfynol arni;
    - (v) bod apêl wedi ei dwyn i'r Tribiwnlys Haen Gyntaf o dan adran 51(2)(b) o Ddeddf 2014 mewn perthynas â'r penderfyniad hwnnw a dyfarnwyd yn derfynol arni a gorchmynnwyd i'r awdurdod lleol—
      - (aa) gwneud a chynnal cynllun AIG ac nad yw'r broses o wneud y cynllun AIG wedi cychwyn; neu
      - (bb) ailystyried ei benderfyniad ac nad yw'r ailystyried hwnnw wedi cychwyn;
  - (q) y mae awdurdod lleol wedi penderfynu o dan adran 45 o Ddeddf 2014 nad yw'n angenrheidiol mwyach gynnal cynllun AIG mewn perthynas ag ef ac—
    - (i) nad yw'r cyfnod ar gyfer dilyn cyfryngu mewn perthynas â'r penderfyniad hwnnw o dan adran 52 o Ddeddf 2014 wedi dod i ben;
    - (ii) bod cyfryngu o dan adran 55 o Ddeddf 2014 yn mynd rhagddo mewn perthynas â'r penderfyniad hwnnw;
- (iii) no notice has been served under section 36(9) of the 2014 Act;
  - (p) in relation to whom a local authority has determined under section 36(9) of the 2014 Act that it is not necessary for special educational provision to be made in accordance with an EHC plan and—
    - (i) the period for pursuing mediation in relation to that determination under section 52 of the 2014 Act has not ended;
    - (ii) mediation under section 55 of the 2014 Act is ongoing in relation to that determination;
    - (iii) a mediation certificate has been issued under section 55(4) of the 2014 Act in relation to that determination and the period for submitting an appeal to the First-tier Tribunal under section 51 of the 2014 Act has not ended;
    - (iv) an appeal to the First-tier Tribunal under section 51(2)(b) of the 2014 Act in relation to that determination has been brought but not finally determined;
    - (v) an appeal to the First-tier Tribunal under section 51(2)(b) of the 2014 Act in relation to that determination has been brought and finally determined and the local authority was ordered to—
      - (aa) make and maintain an EHC plan and the making of the EHC plan has not commenced; or
      - (bb) reconsider its decision and that reconsideration has not commenced;
  - (q) in relation to whom a local authority has determined under section 45 of the 2014 Act that it is no longer necessary for an EHC plan to be maintained and—
    - (i) the period for pursuing mediation in relation to that determination under section 52 of the 2014 Act has not ended;
    - (ii) mediation under section 55 of the 2014 Act is ongoing in relation to that determination;



- (iii) bod tystysgrif gyfryngu wedi ei dyroddi o dan adran 55(4) o Ddeddf 2014 mewn perthynas â'r penderfyniad hwnnw ac nad yw'r cyfnod ar gyfer cyflwyno apêl i'r Tribiwnlys Haen Gyntaf o dan adran 51 o Ddeddf 2014 wedi dod i ben;
- (iv) bod apêl wedi ei dwyn i'r Tribiwnlys Haen Gyntaf o dan adran 51(2)(f) o Ddeddf 2014 mewn perthynas â'r penderfyniad hwnnw ond na ddyfarnwyd yn derfynol arni.

- (iii) a mediation certificate has been issued under section 55(4) of the 2014 Act in relation to that determination and the period for submitting an appeal to the First-tier Tribunal under section 51 of the 2014 Act has not ended;
- (iv) an appeal to the First-tier Tribunal under section 51(2)(f) of the 2014 Act in relation to that determination has been brought but not finally determined.

*Jeremy Miles*

Gweinidog y Gymraeg ac Addysg, un o Weinidogion  
Cymru  
9 Tachwedd 2021

Minister for Education and Welsh language, one of the  
Welsh Ministers  
9 November 2021

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