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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. 5 and Transitional and Saving Provisions) Order 2021 and the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 6 and Transitional and Saving Provisions) Order 2021 to make provision relating to the capacity of children. This reflects section 84 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 which provides that certain duties and conditions in that Act in relation to children (e.g. to give a child a copy of an individual development plan) do not apply if it is considered that the child does not have capacity to understand the subject matter.