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WELSH STATUTORY INSTRUMENTS

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**2021 No. 401**

**The Additional Learning Needs (Wales) Regulations 2021**

**PART 1**

**GENERAL**

**Title, commencement and revocation**

- 1.—(1) The title of these Regulations is the Additional Learning Needs (Wales) Regulations 2021.
- (2) They come into force on 1 September 2021.
- (3) The Additional Learning Needs Co-ordinator (Wales) Regulations 2020<sup>(1)</sup> are revoked.

**General interpretation**

2.—(1) In these Regulations, “the 2018 Act” means the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

(2) A reference in these Regulations to a person being subject to a detention order (however expressed) has the meaning given to that expression by section 562(1A)(a), (2) and (3) of the Education Act 1996<sup>(2)</sup>.

(3) Words and expressions used in these Regulations have the same meaning as they have in the 2018 Act except so far as a contrary intention appears.

(4) Where these Regulations provide for a period within which, or before the end of which, something is required to be done and the last day of that period is not a working day, the period is extended to include the following working day.

**Giving notice etc. under these Regulations**

3.—(1) Paragraph (2) applies where a provision of these Regulations requires or authorises (in whatever terms) a governing body, local authority or the Welsh Ministers 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) Section 88 of the 2018 Act (giving notice etc. under this Part) applies to the provision as if—

- (a) it were a provision of Part 2 of the 2018 Act,
- (b) references in that section to a governing body or local authority were to a governing body, local authority or the Welsh Ministers, and

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(1) [S.I. 2020/1351 \(W. 299\)](#).

(2) [1996 c. 56](#). These subsections have been amended by the Criminal Justice and Immigration Act 2008 (c. 4), Schedule 4, Part 1, paragraph 47, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 49 and [S.I. 2016/413 \(W. 131\)](#), regulations 153 and 157.

- (c) the reference in section 88(4) to section 7 of the Interpretation Act 1978<sup>(3)</sup> (references to service by post) were to section 13 of the Legislation (Wales) Act 2019<sup>(4)</sup> (service of documents by post or electronically).

**Giving notice etc. under Part 2 of the 2018 Act: amendment of section 88**

4. At the end of section 88 of the 2018 Act insert—

“(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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<sup>(3)</sup> 1978 c. 30.

<sup>(4)</sup> 2019 anaw 4. Section 13 is amended by the Senedd and Elections (Wales) Act 2020 (anaw 1), Schedule 1, paragraph 5(1), (3)(b) and (4)(a). There are other amendments to section 13 which are not relevant.