

SCHEDULE 2

APPLICATION WITH MODIFICATIONS OF THE 2018 ACT IN RELATION TO PERSONS DETAINED IN HOSPITAL UNDER PART 3 OF THE 1983 ACT

1.—(1) The powers and duties conferred or imposed on a local authority by Part 2 of the 2018 Act, by these Regulations or otherwise under that Part, to the extent that they would not apply in relation to a child or young person within sub-paragraph (3) because of section 562 of the Education Act 1996 or section 44(1) of the 2018 Act, apply to the child or young person with the modifications provided for in sub-paragraph (4).

(2) Other provisions of the 2018 Act, these Regulations and any other provisions under Part 2 of that Act, in so far as they apply for the purposes of those powers and duties or otherwise relate to the child or young person, apply in relation to the child or young person with the modifications provided for in sub-paragraph (4).

(3) A child or young person is within this sub-paragraph if the child or young person is—

- (a) subject to a detention order, and
- (b) detained in a hospital under Part 3 of the 1983 Act.

(4) The modifications are—

- (a) references, however expressed, to a local authority being responsible (or becoming or ceasing to be responsible) for a child or young person are to be interpreted as references to a local authority that is (or becomes or ceases to be) the relevant local authority for the child or young person and accordingly section 99(4) is not to apply to those references;
- (b) omit section 13(2)(e);
- (c) in section 14, omit subsections (2)(b) and (4);
- (d) in section 15(1)—
 - (i) at the end of paragraph (a), omit “and”;
 - (ii) at the end of paragraph (b) insert “and”;
 - (iii) after paragraph (b) insert—
 - “(c) is not—
 - (i) subject to a detention order (within the meaning given by section 562(1A)(a), (2) and (3) of the Education Act 1996), and
 - (ii) detained in a hospital under Part 3 of the Mental Health Act 1983.”;
- (e) omit section 36;
- (f) if the hospital is relevant youth accommodation, the duties imposed on a home authority by sections 40 and 42 do not apply;
- (g) in section 84(1)(a), at the end insert “or regulation 22(5) of the Additional Learning Needs (Wales) Regulations 2021”;
- (h) in section 85(5)(a), after “42(6)” insert “and regulation 22(5) of the Additional Learning Needs (Wales) Regulations 2021”;
- (i) in regulation 16(1)(b), after “2018 Act” insert “or regulation 22(2)”.

Commencement Information

II Sch. 2 para. 1 in force at 1.9.2021, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Additional Learning Needs (Wales) Regulations 2021, Paragraph 1.