
WELSH STATUTORY INSTRUMENTS

2022 No. 894

**The Additional Learning Needs and Education Tribunal
(Wales) Act 2018 (Commencement No. 11) Order 2022**

Title and interpretation

1.—(1) The title of this Order is the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 11) Order 2022.

(2) In this Order—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996⁽¹⁾;

“the 2014 Act” (“*Deddf 2014*”) means the Children and Families Act 2014⁽²⁾;

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

“child” (“*plentyn*”) means a person who is not over compulsory school age;

“compulsory school age” (“*oedran ysgol gorfodol*”) has the same meaning as in section 8⁽³⁾ of the 1996 Act;

“a child educated other than at school” (“*plentyn a addysgir ac eithrio yn yr ysgol*”) means a child for whom a local authority in Wales has made arrangements for the provision of education otherwise than at school who is within the authority’s area and—

(a) is of compulsory school age, and

(b) by reason of illness, exclusion from school or otherwise, may not receive suitable education for a period unless such arrangements are made for the child;

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

“EHC plan” (“*cynllun AIG*”) has the same meaning as in section 37(2)(4) of the 2014 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)⁽⁵⁾ of the 1996 Act;

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

(i) section 312(2)⁽⁶⁾ of the 1996 Act 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 school in England,

(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 school in England;

(1) 1996 c. 56.

(2) 2014 c. 6.

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

(4) Amended by the Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), article 2 and paragraph 97 of the Schedule.

(5) Inserted by Children and Families Act 2014 (c. 6), section 82 and paragraphs 1 and 59 of Schedule 3 and amended by section 95 of the Act.

(6) Amended by the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 59 and paragraphs 1 and 6 of Schedule 2, by the Children and Families Act 2014 (c. 6), section 82 and paragraphs 1 and 11 of Schedule 3, by the Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), article 5 and paragraph 7 of Schedule 2, by the Education Act 1997 (c. 44), section 57, paragraph 23 of Schedule 7 and Schedule 8.

“local authority” (“*awdurdod lleol*”) has the same meaning as in section 579(7) of the 1996 Act;
 “looked after child” (“*plentyn sy’n derbyn gofal*”) has the same meaning as in section 15 of the Act;

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

“maintained school” (“*ysgol a gynhelir*”) has the same meaning as in section 99 of the Act;

“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(8) of the 1996 Act;

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

- (i) section 312(4)(9) of the 1996 Act 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,
- (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;

“Tribunal” (“*Tribiwnlys*”) means the Education Tribunal for Wales(10);

“Tribunal Rules” (“*Rheolau’r Tribiwnlys*”) means Special Educational Needs Tribunal for Wales Regulations 2012(11).

(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) For the purposes of this Order, a local authority is responsible for a child if he or she is in the area of the authority.

Commencement Information

II Art. 1 in force at made date

(7) Definition of “local authority” was substituted by the Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), article 3.

(8) Amended by School Standards and Framework Act 1998 (c. 31), section 140 and paragraph 111 of Schedule 30, and by the Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), article 5 and paragraph 7(3) of Schedule 2.

(9) Amended by the Children and Families Act 2014 (c. 6), section 82 and paragraphs 1 and 11 of Schedule 3, by the Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), article 5 and paragraph 7 of Schedule 2, by the School Standards and Framework Act 1998 (c. 31), section 140 and paragraph 71 of Schedule 30 and Schedule 31.

(10) The Education Tribunal for Wales was previously known as the Special Educational Needs Tribunal for Wales. See section 91 of the Act.

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

Changes to legislation:

There are currently no known outstanding effects for the The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 11) Order 2022, Section 1.