
WELSH STATUTORY INSTRUMENTS

2023 No. 932

**The Additional Learning Needs and Education Tribunal
(Wales) Act 2018 (Amendment of Commencement Orders
No. 5, No. 6, No. 8, No. 13 and No. 14) Order 2023**

**Amendment of the Additional Learning Needs and Education Tribunal (Wales) Act 2018
(Commencement No. 8 and Transitional and Saving Provisions) Order 2022**

4.—(1) The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 8 and Transitional and Saving Provisions) Order 2022⁽¹⁾ is amended as follows.

(2) After article 9 insert—

“**9A.**—(1) This article applies to a child who on 1 September 2022 has a statement and who is in year 6 or in year 10 during the 2023-2024 school year.

(2) Unless the new law applies in relation to the child, the appropriate local authority must either give an IDP notice or a No IDP notice to the child and the child’s parent during the 2023-2024 school year.

(3) This article does not apply in relation to a child when an appeal is ongoing in relation to that child.”.

(3) In article 10—

(a) in paragraph (1), after “article 9” insert “or 9A”.

(b) in paragraph (2), after “school year” insert “or the 2024-2025 school year”.

(4) In article 11(1) after “articles 9” insert “, 9A”.

(5) In article 13(1) after “articles 9,” insert “9A,”.

(6) After article 17 insert—

“**17A.**—(1) This article applies to a child—

(a) who had a statement on 1 September 2022,

(b) who was in year 6 or in year 10 during the 2023-2024 school year or would be in either of those year groups if the child were a registered pupil at a maintained school,

(c) in relation to whom there is no appeal ongoing on 30 August 2024,

(d) to whom article 17B does not apply, and

(e) in relation to whom the new law does not apply on 30 August 2024.

(2) On 31 August 2024—

(a) the new law applies in relation to the child, and

(b) the old law ceases to apply in relation to the child.

17B.—(1) This article applies to a child—

- (a) who had a statement on 1 September 2022,
- (b) who was in year 6 or in year 10 during the 2023-2024 school year or would be in either of those year groups if the child were a registered pupil at a maintained school,
- (c) where the local authority is ordered to perform an action as a result of an appeal being finally determined and the action has not been performed by 30 August 2024,
- (d) in relation to whom no further appeal is ongoing on 30 August 2024, and
- (e) in relation to whom the new law does not apply on 30 August 2024.

(2) On the transfer day—

- (a) the new law applies in relation to the child, and
- (b) the old law ceases to apply in relation to the child.

(3) In this article “transfer day” means the day after which the action referred to in paragraph (1)(c) is performed, or all of the actions have been performed if there is more than one action.

17C.—(1) This article applies to a child—

- (a) who had a statement on 1 September 2022,
- (b) who was in year 6 or in year 10 during the 2023-2024 school year or would be in either of those year groups if the child were a registered pupil at a maintained school, and
- (c) in relation to whom an appeal is ongoing on 30 August 2024.

(2) On the transfer day—

- (a) the new law applies in relation to the child, and
- (b) the old law ceases to apply in relation to the child.

(3) In this article “transfer day” means—

- (a) the day after the end of the period within which an appeal could be made, if no appeal has been made;
- (b) unless sub-paragraph (c) applies, the day after the appeal has been finally determined, where an appeal has been made;
- (c) where the local authority is ordered to perform an action as a result of an ongoing appeal being finally determined, the day after which the action is performed, or all of the actions have been performed if there is more than one action.”.

(7) In article 18, for “2024”, in each place it occurs, substitute “2025”.

(8) In article 19(1), for “2024”, in each place it occurs, substitute “2025”.

(9) In article 20(1)(b), for “2024” substitute “2025”.

(10) In article 24(4)(a)—

- (a) in the English language text, after “9(2),” insert “9A(2),”;
- (b) in the Welsh language text, for “9(2) a” substitute “9(2), 9A(2),”.

(11) In article 25(3)(a), after “9(2),” insert “9A(2),”.