



# Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

## PART 2 **E+W**

### ADDITIONAL LEARNING NEEDS

## CHAPTER 2 **E+W**

### INDIVIDUAL DEVELOPMENT PLANS

#### *Additional learning provision for detained persons*

#### **41 Circumstances in which the duty in section 40(2) does not apply **E+W****

- (1) The duty in section 40(2) does not apply if either of the circumstances in subsection (2) apply.
- (2) The circumstances are—
- (a) the detained person is a young person who does not consent to a decision under section 40(2)(a) being made or to a plan being prepared;
  - (b) the home authority has previously decided whether the detained person has additional learning needs and it is satisfied that—
    - (i) the detained person's needs have not changed materially since that decision was made, and
    - (ii) there is no new information that materially affects a decision under section 40(2)(a) or (b).

#### **Modifications etc. (not altering text)**

- C1** S. 41(2)(a) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), regs. 1(2), **38(c)**

*Status: Point in time view as at 10/06/2022. This version of this provision has been superseded.*

*Changes to legislation: Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 41 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Commencement Information

- I1** S. 41 in force at 1.9.2021 for specified purposes by [S.I. 2021/373](#), **arts. 3, 4** (as amended by [S.I. 2021/938](#), **art. 2(3)**)
- I2** S. 41 in force at 1.9.2021 for specified purposes by [S.I. 2021/373](#), **art. 5**
- I3** S. 41 in force at 1.9.2021 for specified purposes by [S.I. 2021/373](#), **arts. 6, 7** (as amended by [S.I. 2021/938](#), **art. 2(4)(5)**)
- I4** S. 41 in force at 1.1.2022 for specified purposes by [S.I. 2021/1244](#), **art. 3(e)** (with **arts. 4-21**) (as amended by [S.I. 2021/1428](#), **art. 3**; and (10.6.2022) by [S.I. 2022/663](#), **art. 3**; and (21.8.2023) by [S.I. 2023/932](#), **art. 3**)
- I5** S. 41 in force at 1.1.2022 for specified purposes by [S.I. 2021/1243](#), **art. 3(e)** (with **arts. 4-23**) (as amended by [S.I. 2021/1428](#), **art. 2**; (10.6.2022) by [S.I. 2022/663](#), **art. 2** and (21.8.2023) by [S.I. 2023/932](#), **art. 2**)
- I6** S. 41 in force at 1.1.2022 for specified purposes by [S.I. 2021/1245](#), **arts. 3(e), 4** (with **art. 1(4)**)

**Status:**

Point in time view as at 10/06/2022. This version of this provision has been superseded.

**Changes to legislation:**

Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 41 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.