
WELSH STATUTORY INSTRUMENTS

2021 No. 1245

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 7) Order 2021

Title and interpretation

1.—(1) The title of this Order is the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 7) Order 2021.

(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;

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

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

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

“in the area of a local authority in England” (“*yn ardal awdurdod lleol yn Lloegr*”) has the same meaning as in section 579(3A) of the 1996 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) of the 1996 Act;

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

(i) section 312(2) of the 1996 Act—

(aa) 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,

(bb) in relation to a child in the area of a local authority in England who is a registered pupil at a maintained school in Wales, as if “in the area of a local authority in Wales” were omitted,

(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 mainstream school in England;

“local authority” (“*awdurdod lleol*”) has the same meaning as in section 579 of the 1996 Act;

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

(1) 1996 c. 56.

(2) 2014 c. 6.

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

“maintained school” (“*ysgol a gynhelir*”) means any community, foundation or voluntary school or any community special school not established in a hospital within the meaning of the School Standards and Framework Act 1998(4);

“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 of the 1996 Act;

“school year” (“*blwyddyn ysgol*”) has the same meaning as in section 579(5) of the 1996 Act;

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

(i) section 312(4) of the 1996 Act—

(aa) 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,

(bb) in relation to a child in the area of a local authority in England who is a registered pupil at a maintained school in Wales as if “in relation to a child in the area of a local authority in Wales” were omitted,

(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;

“year 11” (“*blwyddyn 11*”) means a year group in which the majority of children will, in the school year, attain the age of 16;

“year group” (“*grŵp blwyddyn*”) means a group of children at a school the majority of whom will, in a particular school year, attain the same age;

“Tribunal” (“*Tribiwnlys*”) means the Education Tribunal for Wales(6);

“Tribunal Rules” (“*Rheolau'r Tribiwnlys*”) means Special Educational Needs Tribunal for Wales Regulations 2012(7).

(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) This Order does not apply to a person in relation to whom provisions of the Act were commenced by the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 2) Order 2021(8).

(4) 1998 c. 31.

(5) Definition of “school year” was inserted by the Education Act 1997 (c. 44), section 57, paragraph 43 of Schedule 7.

(6) The Education Tribunal for Wales was previously known as the Special Educational Needs Tribunal for Wales. See section 91 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

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

(8) S.I. 2021/373 (W. 116) (C. 12) amended by S.I. 2021/735 (W. 184) (C. 34) and S.I. 2021/938 (W. 214) (C. 49).