
WELSH STATUTORY INSTRUMENTS

2021 No. 861

The Additional Learning Needs and Education Tribunal (Wales)
Act 2018 (Consequential Amendments) Regulations 2021

PART 2

Amendments to Primary Legislation

Nationality, Immigration and Asylum Act 2002

6.—(1) The Nationality, Immigration and Asylum Act 2002⁽¹⁾ is amended as follows.

(2) In section 36—

(a) in subsection (3)(b), for “a statement in respect of the child under section 324 of the Education Act 1996 (c. 56) (special educational needs)” substitute “an individual development plan maintained for the child under section 14 or 19 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018”;

(b) omit subsection (5)(d) and (e);

(c) after subsection (5)(f) omit “and”;

(d) after subsection (5)(g) insert “, and”;

(e) after subsection (5)(g) insert—

“(h) section 51 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (duty to favour education for children at mainstream maintained schools).”;

(f) for subsection (6) substitute—

“(6) The power of the Education Tribunal for Wales under section 71(1) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (decisions on appeals under section 70) is subject to subsection (2) above.”;

(g) in subsection (7)—

(i) in the words before paragraph (a), after “Children and Families Act 2014” insert “, Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018” and after “special educational needs” insert “or additional learning needs”;

(ii) after paragraph (a) insert—

“(aa) the child receiving the additional learning provision called for by the child’s additional learning needs.”;

(h) for subsection (9)(b) substitute—

“(b) the person responsible for education at an accommodation centre may refer a case to a local authority under section 12(2)(a) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 as though—

- (i) a child for whom education is provided at the centre under section 29(1)(f) were a child who is a registered pupil at a school, and
 - (ii) that person were the governing body of the school.”;
- (i) omit subsection (9)(c).