
WELSH STATUTORY INSTRUMENTS

2021 No. 933 (W. 213)

EDUCATION, WALES

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential Amendments) (No. 2) Regulations 2021

Made - - - - *10 August 2021*
Laid before Senedd Cymru *11 August 2021*
Coming into force - - *1 September 2021*

The Welsh Ministers, in exercise of the powers conferred by sections 97(1) and (2) and 98(2) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(1), make the following Regulations.

Title and commencement

1. The title of these Regulations is the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential Amendments) (No. 2) Regulations 2021 and they come into force on 1 September 2021.

The New School (Admissions) (Wales) Regulations 2006

2.—(1) The Schedule to the New School (Admissions) (Wales) Regulations 2006(2) is amended as follows.

(2) After sub-paragraph (b) of paragraph 1, insert—

“(ba) section 48(1) to (5) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(3);”.

The Child Minding and Day Care Exceptions (Wales) Order 2010

3.—(1) The Child Minding and Day Care Exceptions (Wales) Order 2010(4) is amended as follows.

(1) 2018 anaw 2.
(2) S.I. 2006/175 (W. 26). Paragraph 2 of the Schedule has been amended by S.I. 2010/1142, article 2(3).
(3) 2018 anaw 2.
(4) S.I. 2010/2839 (W. 233).

- (2) In article 14(2)—
- (a) after sub-paragraph (i) insert “or”;
 - (b) omit sub-paragraph (iii) and the “or” before it.

The School Admissions (Infant Class Sizes) (Wales) Regulations 2013

4.—(1) The School Admissions (Infant Class Sizes) (Wales) Regulations 2013(5) are amended as follows.

- (2) In regulation 2(1)—
- (a) at the appropriate places (with the definitions of Acts in chronological order at the start of the list) insert the following definitions—
 - ““the ALNETA 2018” (“*DADYTA 2018*”) means the Additional Learning Needs and Education Tribunal (Wales) Act 2018(6);”;
 - ““additional learning needs” (“*anghenion dysgu ychwanegol*”) in relation to a child to whom Part 2 of the ALNETA 2018 applies, has the meaning given by section 2 of the ALNETA 2018;”;
 - ““child with an individual development plan” (“*plentyn sydd â chynllun datblygu unigol*”) means a child in relation to whom an individual development plan is maintained under Part 2 of the ALNETA 2018;”;
 - ““special educational needs” (“*anghenion addysgol arbennig*”), in relation to a child to whom Chapter 1 of Part 4 of the EA 1996(7) continues to apply, has the meaning given by section 312 of the EA 1996;”;
 - (b) in the definition of “suitable education”, after “needs” insert “or additional learning needs (as the case may be)”.
- (3) In the Schedule—
- (a) after paragraph 2 insert—
 - “**2A.** This paragraph applies to a child with an individual development plan admitted to the school outside a normal admission round as a result of the school being named in the child’s individual development plan under section 48 of the ALNETA 2018.”;
 - (b) in paragraph 14, after “needs” insert “or additional learning needs (as the case may be)”.

The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2015

5.—(1) The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2015(8) are amended as follows.

- (2) In regulation 3(1), in the definition of “special school”, for “337(1)” substitute “337”.

The Education (Inspection of Nursery Education) (Wales) Regulations 2015

6.—(1) The Education (Inspection of Nursery Education) (Wales) Regulations 2015(9) are amended as follows.

- (2) In regulation 3—

(5) [S.I. 2013/1141 \(W. 121\)](#). There are amendments to the Schedule which are not relevant to these Regulations.

(6) [2018 anaw 2](#).

(7) [1996 c. 56](#). Chapter 1 of Part 4 is repealed by the Additional Learning Needs and Education Tribunal (Wales) Act 2018, Schedule 1, paragraph 4(9). Other relevant amendments to section 312 include those made by the Education Act 1997 (c. 44), Schedule 7, paragraph 23 and the Children and Families Act 2014 (c. 6), Schedule 3, Part 1, paragraphs 1 and 11.

(8) [S.I. 2015/484 \(W. 41\)](#). There is an amendment to regulation 3 which is not relevant to these Regulations.

(9) [S.I. 2015/1599 \(W. 198\)](#). There are amendments to regulation 3 which are not relevant to these Regulations.

- (a) omit the “and” after paragraph (2)(c)(iii);
- (b) for paragraph (2)(c)(iv) substitute—
 - “(iv) where the school was approved under section 347 of the Education Act 1996(10) (approval of independent schools providing special education) before 1 September 2021 and remains approved immediately before that date, a local authority which is paying the fees in respect of the attendance of a registered pupil at the school in relation to whom Chapter 1 of Part 4 of the Education Act 1996(11) continues to apply; and
 - (v) where a registered pupil at the school has an individual development plan in which the school is named under section 14(6) or 19(4) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(12), the local authority that maintains the individual development plan under that section 14 or 19;”.

Consequential revocations

7. In consequence of amendments made to the Education Act 1996(13) by the Additional Learning Needs and Education Tribunal (Wales) Act 2018, the following are revoked in relation to Wales—

- (a) the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994(14);
- (b) the Education (Special Schools) Regulations 1994(15);
- (c) the Education (Special Educational Needs) (Approval of Independent Schools) (Amendment) Regulations 1998(16);
- (d) the Education (Hazardous Equipment in Schools) (Removal of Restrictions on Use) (Wales) Regulations 2017(17).

Jeremy Miles

Minister for Education and Welsh Language, one
of the Welsh Ministers

10 August 2021

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- (10) 1996 c. 56. Section 347 is repealed by section 58 of the [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#). There are other amendments to section 347 which are not relevant to these Regulations.
 - (11) Chapter 1 of Part 4 is repealed by the Additional Learning Needs and Education Tribunal (Wales) Act 2018, Schedule 1, paragraph 4(9).
 - (12) 2018 anaw 2. There is an amendment to section 14 which is not relevant to these Regulations.
 - (13) 1996 c. 56. The relevant amendments are made by sections 57 and 58 of the 2018 Act.
 - (14) S.I. 1994/651. These 1994 Regulations were made under powers conferred by the Education Act 1993 (c. 35) and following its consolidation, have effect as if made under the Education Act 1996, sections 328(6), 347(2) and 569(4). Section 347 was amended by section 146 of the Education and Skills Act 2008 (c. 25) to confine its application to Wales. The application of section 328(6) was confined to being in relation to children in the area of a local authority in Wales by the Children and Families Act 2014 (c. 6), Schedule 3, Part 1, paragraphs 1 and 10 (inserting section 311A into the Education Act 1996).
 - (15) S.I. 1994/652. These 1994 Regulations were made under powers conferred by the Education Act 1993 and following its consolidation, have effect as if made under the Education Act 1996, sections 328(6), 339(1), (5), 342(2), (4), (5), (6), and 569(4). These 1994 Regulations were revoked in relation to England by S.I. 1999/2257, regulation 1(3).
 - (16) S.I. 1998/417.
 - (17) S.I. 2017/965 (W. 248).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (“the 2018 Act”). The 2018 Act reforms the law on education and training for children and young people with additional learning needs and renames the Special Educational Needs Tribunal for Wales as the Education Tribunal for Wales.

These Regulations make consequential amendments to secondary legislation. Regulation 7 revokes Regulations made under powers which are amended so as no longer to apply in relation to Wales or are repealed by, respectively, sections 57 and 58 of the 2018 Act. The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 2) Order 2021 ([S.I. 2021/373 \(W. 116\) \(C. 12\)](#)), article 8 brings sections 57 and 58 into force on 1 September 2021, which is the same day that these Regulations come into force.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.