
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

Education Act 2002

5.—(1) The Education Act 2002⁽¹⁾ is amended as follows.

(2) In section 1(3)⁽²⁾, in paragraph (g) of the definition of “qualifying body”, omit “or the National Assembly for Wales”.

(3) In section 2(5)⁽³⁾, for “children with special educational needs” substitute—
“—

(a) in relation to England, children with special educational needs, or

(b) in relation to Wales, persons under 25 with special educational needs.”

(4) After section 92 (pupils with EHC plans) insert—

“Pupils with Individual Development Plans

92A. The additional learning provision described in an individual development plan prepared or maintained by a local authority in Wales under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 may include provision—

(a) excluding the application of the National Curriculum for England, or

(b) applying the National Curriculum for England with such modifications as may be specified in the plan.”

(1) [2002 c. 32](#).

(2) Section 1 was amended by paragraph 1 of Schedule 16 to the Education and Inspections Act 2006 ([c. 40](#)). Section 1 also includes other amendments which are not relevant to these Regulations. Paragraph (g) of the definition is substituted by the Education and Skills Act 2008 ([c. 25](#)) but the substitution is not yet in force.

(3) There are amendments to section 2 which are not relevant to these Regulations.