
WELSH STATUTORY INSTRUMENTS

2022 No. 891

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 8 and Transitional and Saving Provisions) Order 2022

Title and interpretation

1.—(1) The title of this Order is the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 8 and Transitional and Saving Provisions) Order 2022.

(2) In this Order—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996⁽¹⁾;

“the Act” (“*y Ddeddf*”) means the Additional Learning Needs and Education Tribunal (Wales) Act 2018;

“child” (“*plentyn*”) means a person who is not over compulsory school age;

“code” (“*cod*”) means a code on additional learning needs issued under section 4 of the Act;

“compulsory school age” (“*oedran ysgol gorfodol*”) has the same meaning as in section 8⁽²⁾ of the 1996 Act;

“in the area” (“*yn ardal*”) has the same meaning as in section 579(3B)⁽³⁾ of the 1996 Act;

“individual development plan” (“*cynllun datblygu unigol*”) means a plan prepared and maintained under Chapter 2 of Part 2 of the Act;

“local authority” (“*awdurdod lleol*”) has the same meaning as in section 99 of the Act;

“looked after child” (“*plentyn sy’n derbyn gofal*”) has the same meaning as in section 15 of the Act;

“maintained school” (“*ysgol a gynhelir*”) has the same meaning as in section 99 of the Act;

“parent” (“*rhiant*”) has the same meaning as in section 576⁽⁴⁾ of the 1996 Act;

“reception class” (“*dosbarth derbyn*”) means a year group in which the majority of children will, in the school year, attain the age of 5;

“registered pupil” (“*disgybl cofrestredig*”) has the same meaning as in section 434⁽⁵⁾ of the 1996 Act;

“school year” (“*blwyddyn ysgol*”) has the same meaning as in section 579⁽⁶⁾ of the 1996 Act;

(1) 1996 c. 56.

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

(3) Inserted by Children and Families Act 2014 (c. 6), section 82 and paragraphs 1 and 59 of Schedule 3 and amended by section 95 of the Act.

(4) Amended by School Standards and Framework Act 1998 (c. 31), section 140 and paragraph 180 of Schedule 30 and Schedule 31.

(5) Amended by School Standards and Framework Act 1998 (c. 31), section 140 and paragraph 111 of Schedule 30 and by the Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), article 3.

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

“Tribunal” (“*Tribiwnlys*”) means the Education Tribunal for Wales(7);

“Tribunal Rules” (“*Rheolau’r Tribiwnlys*”) means the Special Educational Needs Tribunal for Wales Regulations 2012(8);

“year 6” (“*blwyddyn 6*”) means a year group in which the majority of children will, in the school year, attain the age of 11;

“year 10” (“*blwyddyn 10*”) means a year group in which the majority of children will, in the school year, attain the age of 15;

“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.

(3) References in this Order to “the old law” are to Chapter 1 of Part 4 of the 1996 Act.

(4) References in this Order to “the new law” are to—

- (a) the Act,
- (b) a regulation or the code made under that Act, and
- (c) any other provision of, or made under, an act that has effect for the purposes of or in relation to—
 - (i) a provision of the Act or such regulations or code, or
 - (ii) a person to whom the Act or such regulations or code applies.

(5) For the purposes of this Order an appeal is finally determined if it is withdrawn, or 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 made.

(6) For the purposes of this Order, a local authority is responsible for a child if he or she is in the area of the authority.

(7) For the purposes of this Order, where a child is—

- (a) a looked after child, the appropriate local authority is the local authority that looks after the child;
- (b) not a looked after child, the appropriate local authority is the local authority responsible for the child.

(8) For the purposes of this Order, an appeal is ongoing where—

- (a) the period within which an appeal under sections 326(1), 328(3)(b) or 329A(8) of the 1996 Act, or paragraph 11 of Schedule 27 to the 1996 Act could be made under Part B of the Tribunal Rules has not expired;
- (b) the child or the child’s parent has made an appeal under section 326(1), 328(3)(b) or 329A(8) of the 1996 Act, or paragraph 11 of Schedule 27 to the 1996 Act and that appeal has not been finally determined.

(7) 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.

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