
WELSH STATUTORY INSTRUMENTS

2022 No. 892

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 9 and Transitional and Saving Provisions) Order 2022

Capacity of children

17.—(1) Subject to paragraph, paragraph applies to a child in relation to whom there is a matter ongoing on 1 September 2022.

(2) Nothing in this article applies to a person when that person ceases to be of compulsory school age.

(3) A duty in paragraph (4) does not apply if the appropriate local authority considers that the child does not have capacity to understand the subject matter.

(4) The duties referred to in paragraph (3) are —

- (a) the duty to give a child an IDP notice or a No IDP notice in article 9;
- (b) the duty to give a notice following a request by a child under article 10;
- (c) the duty to give a child a copy of the individual development plan within 12 weeks in article 11(1).

(5) Where paragraph (3) applies in relation to a duty in paragraph (4)(a) or (b), the first reference to a child in article 5 is to be read as if it were omitted.

(6) Where paragraph (3) applies in relation to a duty in paragraph (4)(a) or (b), the first reference to a child in article 6 is to be read as if it were omitted.

Commencement Information

II Art. 17 in force at made date

Changes to legislation:

There are currently no known outstanding effects for the The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 9 and Transitional and Saving Provisions) Order 2022, Section 17.