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WELSH STATUTORY INSTRUMENTS

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**2022 No. 913 (W. 199)**

**EDUCATION, WALES**

**The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential and Miscellaneous Amendments) Regulations 2022**

*Made* - - - - 22 August 2022  
*Laid before Senedd Cymru* 23 August 2022  
*Coming into force* - - 14 September 2022

The Welsh Ministers, in exercise of the powers conferred by section 97(1) and (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 and Miscellaneous Amendments) Regulations 2022 and they come into force on 14 September 2022.

**The Education (Special Educational Needs) (Wales) Regulations 2002**

2.—(1) Regulation 17 of the Education (Special Educational Needs) (Wales) Regulations 2002(2) is amended as follows.

- (2) In paragraph (4)—
- (a) after sub-paragraph (c) insert “or”;
  - (b) omit sub-paragraph (e) and the “or” before it.
- (3) In paragraph (7)(b) for “(e)” substitute “(d)”.

**The Education Standards Grants (Wales) Regulations 2002**

- 3.—(1) The Education Standards Grants (Wales) Regulations 2002(3) are amended as follows.
- (2) In regulation 2(1)—

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(1) 2018 anaw 2.  
(2) S.I. 2002/152 (W. 20), to which there are amendments not relevant to these Regulations.  
(3) S.I. 2002/438 (W. 56), to which there are amendments not relevant to these Regulations.

- (a) at the appropriate places insert—
- ““the 2018 Act” (“*Deddf 2018*”) means the Additional Learning Needs and Education Tribunal (Wales) Act 2018(4);”;
- ““additional learning needs” (“*anghenion dysgu ychwanegol*”) has the same meaning as in the 2018 Act;”;
- ““IDP review” (“*adolygiad CDU*”) means the review of an individual development plan required by section 23 of the 2018 Act;”;
- ““individual development plan” (“*cynllun datblygu unigol*”) means an individual development plan maintained under Part 2 of the 2018 Act;”.
- (b) in the definition of “learning support assistant” after “with” insert “additional learning needs or”;
- (c) in the definition of “parent partnership services”—
- (i) after “under” insert “Part 2 of the 2018 Act or”, and
- (ii) after “special educational needs”, in both places it occurs, insert “or additional learning needs”.
- (3) In paragraph 6 of the Schedule—
- (a) in sub-paragraphs (a), (c), (d) and (g) after “special educational needs”, in each place it occurs, insert “or additional learning needs”;
- (b) in sub-paragraph (b) after “needs” insert “and additional learning needs”;
- (c) in sub-paragraph (c) after “annual review meetings” insert “and IDP reviews,”;
- (d) in sub-paragraph (h) after “needs” insert “and additional learning needs”;
- (e) in sub-paragraph (i) after “provision” insert “and additional learning needs provision”.

### **The Education (Admission Forums) (Wales) Regulations 2003**

4.—(1) The Education (Admission Forums) (Wales) Regulations 2003(5) are amended as follows.

(2) In regulation 3(1)(g), after “needs,” insert “children with additional learning needs (within the meaning given by section 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018),”.

### **The School Councils (Wales) Regulations 2005**

5.—(1) The School Councils (Wales) Regulations 2005(6) are amended as follows.

(2) In regulation 2—

(a) at the appropriate places, insert—

““additional learning needs” (“*anghenion dysgu ychwanegol*”) has the same meaning as in the Additional Learning Needs and Education Tribunal (Wales) Act 2018;”;

““additional learning needs resource base” (“*canolfan adnoddau anghenion dysgu ychwanegol*”) means a class or department within a school for pupils with additional learning needs;”;

(b) at the end of the definition of “infant school” omit “and”; and

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(4) 2018 anaw 2.

(5) S.I. 2003/2962 (W. 279), to which there are amendments not relevant to these Regulations.

(6) S.I. 2005/3200 (W. 236).

(c) omit the definition of “special educational needs resource base”.

(3) In regulation 4(4) for “special educational”, in both places it occurs, substitute “additional learning”.

### **The Special Educational Needs Tribunal for Wales Regulations 2012**

6.—(1) The Special Educational Needs Tribunal for Wales Regulations 2012(7) are amended as follows.

(2) In regulation 61(5)—

- (a) after sub-paragraph (c) insert “or”;
- (b) omit subparagraph (e) and the “or” before it.

(3) In regulation 62(3)—

- (a) after sub-paragraph (c) insert “or”;
- (b) omit sub-paragraph (e) and the “or” before it.

### **The Selection of the President of the Welsh Tribunals Regulations 2017**

7.—(1) The Selection of the President of the Welsh Tribunals Regulations 2017(8) are amended as follows.

(2) In regulation 1(2)(b), in the table, at the end of the provision in the left-hand column “Section 333(2)(a) of the Education Act 1996” insert “or Section 91(3) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(9)”.

22 August 2022

*Jeremy Miles*  
Minister for Education and Welsh Language, one  
of the Welsh Ministers

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(7) S.I. 2012/322 (W. 53), to which there are amendments not relevant to these Regulations.

(8) S.I. 2017/1282.

(9) 2018 anaw 2. Subsection (3) of section 91 was amended by regulation 2(2) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Supplementary Provisions) Regulations 2019 (S.I. 2019/794) (W. 148).

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

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## 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 Act”). That 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 relating to education law in Wales.

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.