

SL(6)018 - The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential Amendments) Regulations 2021

Background and Purpose

These Regulations are proposed to be made by the Welsh Ministers pursuant to section 97(1) and (2) 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 references in primary legislation in order to reflect these changes.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

Paragraph 7(1)(a) in Part 1 of Schedule 17 to the Coronavirus Act 2020 provides that the Welsh Ministers may by notice make provision in relation to Wales disapplying, for a specified period, any enactment listed in sub-paragraph (5) of that paragraph.

Regulation 11(2) of the subject Regulations proposes to insert a new paragraph "(ga)" into paragraph 7(5) to include a number of references to provisions in the 2018 Act concerning individual development plans which the Welsh Ministers may then disapply in accordance with paragraph 7(1)(a). However, new paragraph (ga) includes a reference to "section 13(7)", which does not appear in the 2018 Act.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.



Welsh Government response

Technical Scrutiny point 1: This is a typing error. The reference should be to section 13(1) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018, rather than section 13(7). The reference will be corrected when the SI is published.

The Committee will also wish to note that the Explanatory Memorandum has been amended to correct incorrect references that were noticed post laying.

Legal Advisers

Legislation, Justice and Constitution Committee

5 July 2021



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee