
WELSH STATUTORY INSTRUMENTS

2022 No. 744 (W. 161)

EDUCATION, WALES

**The Curriculum and Assessment (Wales)
Act 2021 (Consequential Amendments)
(Primary Legislation) Regulations 2022**

*Made - - - - 29 June 2022
Coming into force in accordance with regulation 1(2)
and (3)*

The Welsh Ministers, in exercise of the powers conferred by sections 74(1) and 75(1)(b) of the Curriculum and Assessment (Wales) Act 2021(1), make the following Regulations.

A draft of these Regulations has been laid before, and approved by a resolution of, Senedd Cymru as required under section 75(2) of that Act.

Title and commencement

1.—(1) The title of these Regulations is the Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022.

(2) Regulations 1 to 4 and Schedule 1 come into force on 1 September 2022.

(3) Schedule 2 comes into force as follows—

(a) on 1 September 2022—

(i) for a child or pupil receiving nursery education,

(ii) for pupils in a reception year,

(iii) for a child or pupil in years 1 to 6, and

(iv) for a child or pupil in year 7 who are provided with a relevant curriculum under the 2021 Act,

(b) on 1 September 2023 for a child or pupil in years 7 and 8,

(c) on 1 September 2024 for a child or pupil in year 9,

(d) on 1 September 2025 for a child or pupil in year 10, and

(e) on 1 September 2026 for a child or pupil in years 11 to 13.

(1) 2021 asc 4. See section 82(1) for the definition of “regulations”.

Interpretation

2. In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996⁽²⁾;

“the 2021 Act” (“*Deddf 2021*”) means the Curriculum and Assessment (Wales) Act 2021;

“child” (“*plentyn*”) has the meaning given to it in section 579(1) of the 1996 Act;

“funded non-maintained nursery education” (“*addysg feithrin a gyllidir ond nas cynhelir*”) has the meaning given to it in section 80(1)(a) of the 2021 Act;

“maintained nursery school” (“*ysgol feithrin a gynhelir*”) has the meaning given to it in section 79(1)(b) of the 2021 Act;

“maintained school” (“*ysgol a gynhelir*”) has the meaning given to it in section 79(1)(a) of the 2021 Act;

“nursery education” (“*addysg feithrin*”) means education provided to children or pupils below compulsory school age—

(a) in a maintained school or a maintained nursery school, or

(b) by the provider of funded non-maintained nursery education;

“pupil” (“*disgybl*”) has the meaning given to it in section 3 of the 1996 Act⁽³⁾;

“pupil referral unit” (“*uned cyfeirio disgyblion*”) has the meaning given to it in section 81(1) of the 2021 Act;

“reception year” (“*blwyddyn derbyn*”) means a year group in which the majority of the pupils attain the age of 5;

“relevant curriculum” (“*cwricwlwm perthnasol*”) has the meaning given to it in section 56(5) of the 2021 Act;

“setting” (“*lleoliad*”) means—

(a) a maintained school,

(b) a provider of funded non-maintained nursery education,

(c) a pupil referral unit, and

(d) the provision of teaching and learning for a child otherwise than at a pupil referral unit by virtue of arrangements made under section 19A of the 1996 Act;

“year 1” (“*blwyddyn 1*”) means the year group in which the majority of pupils attain the age of 6;

“year 2” (“*blwyddyn 2*”) means the year group in which the majority of pupils attain the age of 7;

“year 3” (“*blwyddyn 3*”) means the year group in which the majority of pupils attain the age of 8;

“year 4” (“*blwyddyn 4*”) means the year group in which the majority of pupils attain the age of 9;

“year 5” (“*blwyddyn 5*”) means the year group in which the majority of pupils attain the age of 10;

“year 6” (“*blwyddyn 6*”) means the year group in which the majority of pupils attain the age of 11;

(2) 1996 c. 56.

(3) Subsection (1) was amended by section 57(1) of, and paragraph 9 of Schedule 7 to, the Education Act 1997 (c. 44) and subsections (1) and (1A) were further amended by section 215(1) of, and paragraph 34 of Schedule 21 to, the Education Act 2002 (c. 32).

“year 7” (“*blwyddyn 7*”) means the year group in which the majority of pupils attain the age of 12;

“year 8” (“*blwyddyn 8*”) means the year group in which the majority of pupils attain the age of 13;

“year 9” (“*blwyddyn 9*”) means the year group in which the majority of pupils attain the age of 14;

“year 10” (“*blwyddyn 10*”) means the year group in which the majority of pupils attain the age of 15;

“year 11” (“*blwyddyn 11*”) means the year group in which the majority of pupils attain the age of 16;

“year 12” (“*blwyddyn 12*”) means the year group in which the majority of pupils attain the age of 17;

“year 13” (“*blwyddyn 13*”) means the year group in which the majority of pupils attain the age of 18;

“year group” (“*grŵp blwyddyn*”) means a group of children or pupils at a setting the majority of whom will, in a particular academic year, attain the same age.

Amendments to the Curriculum and Assessment (Wales) Act 2021

3. Schedule 1 contains amendments to the Curriculum and Assessment (Wales) Act 2021.

Amendments to primary legislation

4. Schedule 2 contains amendments to primary legislation.

29 June 2022

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

SCHEDULE 1

Regulation 3

Amendments to the Curriculum and Assessment (Wales) Act 2021

1.—(1) The Curriculum and Assessment (Wales) Act 2021 is amended as follows.

(2) In section 13 (Welsh Ministers' duty to publish a curriculum), in subsection (2), omit “, and any requirement imposed under section 25”.

(3) In section 14 (review and revision of curriculum published by Welsh Ministers), in subsection (1), in paragraph (b), omit “, and any requirement imposed under section 25”.

(4) In section 15 (curriculum adoption), in subsection (2), omit “, and any requirement imposed under section 25”.

(5) In section 16 (curriculum review and revision), in subsection (1), in paragraph (b), omit “, and any requirement imposed under section 25”.

SCHEDULE 2

Regulation 4

Amendments to primary legislation

Children Act 1989 (c. 41)

1.—(1) The Children Act 1989 is amended as follows.

(2) In section 47 (local authority's duty to investigate), in subsection (5ZA), in paragraph (a), in sub-paragraph (ii), after “section 19” insert “or 19A”.

(3) In Schedule 2 (support for children and families provided by local authorities in England), in paragraph 12D (avoidance of disruption in education)—

(a) in sub-paragraph (1), after “fourth key stage” insert “or within sub-paragraph (3)”;

(b) in sub-paragraph (2)—

(i) omit “or 7”;

(ii) omit “and 103”;

(c) after sub-paragraph (2) insert—

“(3) A child is within this sub-paragraph if the child—

(a) is a pupil at a maintained school maintained by a local authority in Wales,

(b) has completed the school year in which the majority of pupils in the child's class attained the age of 14, and

(c) is still of compulsory school age.

(4) In sub-paragraph (3)—

(a) “pupil”, “school year” and “compulsory school age” have the meaning given by the Education Act 1996;

(b) “maintained school” has the meaning given by section 20(7) of the School Standards and Framework Act 1998;

(c) “the child's class” means—

(i) the teaching group in which the child is regularly taught at school, or

(ii) where there are two or more such groups, the group designated by the head teacher of the child's school.”

Education Act 1996 (c. 56)

2.—(1) The Education Act 1996 is amended as follows.

(2) In section 18A (provision of education for persons subject to youth detention)—

(a) in subsection (2)—

(i) in the words before paragraph (a), after “a local authority” insert “in England”;

(ii) in paragraph (ba), omit “in the case of a local authority in England,”;

(iii) omit paragraph (bb);

(b) in subsection (3)—

(i) in paragraph (a), omit “in relation to a local authority in England,”;

(ii) omit paragraph (b);

(c) after subsection (4) insert—

“(4A) In deciding for the purposes of subsection (1) whether education or training is suitable to meet persons’ reasonable needs, a local authority in Wales must (in particular) have regard to—

(a) the persons’ ages, abilities and aptitudes;

(b) any additional learning needs the persons may have;

(c) the desirability of enabling persons to complete programmes of study or training which they have begun;

(d) the desirability that education received by young persons subject to youth detention should be comparable with education which they could be expected to receive if they were attending a school or institution implementing a relevant curriculum;

(e) the desirability that education received by children subject to youth detention should—

(i) enable them to develop in the ways described in the four purposes,

(ii) offer them appropriate progression,

(iii) be broad and balanced, so far as is appropriate for them, and

(iv) provide teaching and learning that encompasses the areas of learning and experience (including the mandatory elements within those areas) and develops the cross-curricular skills.

(4B) In subsection (4A)(d), “relevant curriculum”, in relation to a local authority in Wales, means any local curriculum formed by the authority for their area under section 33A of the Learning and Skills Act 2000 (formation of local curricula for students aged 16 to 18).

(4C) In subsection (4A)(e), expressions that are defined in, or are given a meaning by, the Curriculum and Assessment (Wales) Act 2021 have the same meaning as in that Act.”

(3) In section 19A (exceptional provision of education in pupil referral units or elsewhere: Wales), in subsection (5), after “efficient education suitable to” insert “the child’s or”.

(4) In section 402 (obligation to enter pupils for public examinations)—

(a) in subsection (2), omit the words after paragraph (b);

(b) after subsection (2) insert—

“(2A) But subsection (2) does not apply to—

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- (a) an examination which is part of the assessment arrangements for the fourth key stage and applies in the case of that pupil (if the pupil is registered at a school maintained by a local authority in England), or
- (b) an examination which is part of the assessment arrangements for pupils of compulsory school age who have completed the school year in which the majority of the pupils in their class attained the age of 14 and applies in the case of that pupil (if the pupil is registered at a school maintained by a local authority in Wales).”;
- (c) in subsection (6)—
 - (i) in paragraph (aa)—
 - (aa) omit the “and” after sub-paragraph (i);
 - (bb) omit sub-paragraph (ii) and the “and” after it;
 - (ii) after paragraph (aa) insert—
 - “(ab) “assessment arrangements”, in relation to a school maintained by a local authority in Wales, has the same meaning as in Part 4 of the Curriculum and Assessment (Wales) Act 2021 (assessment and progression);”.
- (5) In section 406 (political indoctrination), in subsection (1), in paragraph (b)—
 - (a) the words from “in the teaching” to the end become sub-paragraph (i);
 - (b) at the end of that sub-paragraph insert “(in the case of a school in England), or”;
 - (c) after that sub-paragraph insert—
 - “(ii) in the teaching of any aspect of a curriculum provided in the school under the Curriculum and Assessment (Wales) Act 2021 (in the case of a school in Wales)”.
- (6) In section 408 (provision of information)—
 - (a) in subsection (1), in paragraph (a), after “Qualifications Wales Act 2015” insert “or the provisions of the Curriculum and Assessment (Wales) Act 2021”;
 - (b) in subsection (4)—
 - (i) in paragraph (e), for “396” substitute “396A”;
 - (ii) omit paragraph (h) and the “and” before it;
 - (c) in subsection (4A), omit paragraph (b) and the “and” before it;
 - (d) in subsection (6), in the words before paragraph (a)—
 - (i) omit “or 7”;
 - (ii) after “Education Act 2002” insert “or Part 4 of the Curriculum and Assessment (Wales) Act 2021”.
- (7) In section 409 (complaints and enforcement: maintained schools in Wales), in subsection (3)

 - (a) omit paragraph (aa) but not the “and” after it;
 - (b) in paragraph (b), after “this Part” insert “or the Curriculum and Assessment (Wales) Act 2021”.
- (8) In section 451 (prohibition of charges for provision of education)—
 - (a) in subsection (3) (as it has effect until the substitution made by section 56(1) of the Education and Inspections Act 2006 (c. 40) comes fully into force), in paragraph (b), for the words from “section 88” to the end substitute “or under the Curriculum and Assessment (Wales) Act 2021.”;

- (b) in subsection (4)—
 - (i) in paragraph (b), omit “or 109”;
 - (ii) at the end of paragraph (c) insert—
 - “, or
 - (d) provided in pursuance of a duty imposed by or under the Curriculum and Assessment (Wales) Act 2021.”
- (9) In section 537B (provision of information about children receiving funded education outside school), in subsection (9), in the definition of “funded education”, after “section 19(1) and (4)” insert “or section 19A(1) and (4)”.
- (10) In section 554 (power to make new provision as to use of endowments)—
 - (a) in subsection (3), in paragraph (b)—
 - (i) after “religious education” insert “, or teaching and learning in Religion, Values and Ethics,”;
 - (ii) after “1998” insert “, or in accordance with the Curriculum and Assessment (Wales) Act 2021”;
 - (b) in subsection (4)—
 - (i) in paragraph (a)—
 - (aa) in sub-paragraph (i), after “religious education” insert “, or teaching and learning in Religion, Values and Ethics,”;
 - (bb) in sub-paragraph (ii), after “religious education” insert “or teaching and learning in Religion, Values and Ethics”;
 - (cc) in the words after sub-paragraph (ii), after “religious education” insert “or teaching and learning in Religion, Values and Ethics”;
 - (ii) in paragraph (b)—
 - (aa) in the words before sub-paragraph (i), after “religious education” insert “or teaching and learning in Religion, Values and Ethics”;
 - (bb) in the words after sub-paragraph (iii), after “religious education” insert “or teaching and learning in Religion, Values and Ethics”;
 - (c) after subsection (6) insert—
 - “(6A) In this section, and sections 556 and 557, “Religion, Values and Ethics” has the same meaning as in the Curriculum and Assessment (Wales) Act 2021.”
 - (11) In section 556 (content of orders under section 554), in subsection (3), after “religious education” insert “or teaching and learning in Religion, Values and Ethics”.
 - (12) In section 557 (adoption of statutory trusts), in subsection (1)(b)—
 - (a) in sub-paragraph (i), after “religious education” insert “or teaching and learning in Religion, Values and Ethics”;
 - (b) in sub-paragraph (ii), after “religious education” insert “or teaching and learning in Religion, Values and Ethics”.
 - (13) In section 579 (general interpretation), in subsection (1), in the definition of “the National Curriculum”—
 - (a) in paragraph (a), omit “in relation to England”;
 - (b) omit paragraph (b) and the “and” before it.

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

Education Act 1997 (c. 44)

3.—(1) The Education Act 1997 is amended as follows.

(2) In section 19 (school performance targets), in subsection (1), in paragraph (a), for “for the purposes of the National Curriculum” substitute “required by virtue of regulations made under Part 4 of the Curriculum and Assessment (Wales) Act 2021”.

(3) Omit section 28.

(4) Omit section 29.

(5) Omit section 32.

(6) In section 40 (inspector’s rights of entry etc)—

(a) in subsection (2), in paragraph (c), after “section 19” insert “or 19A”;

(b) in subsection (3), in paragraph (b), after “section 19” insert “or 19A”;

(c) in subsection (8), after “section 19”, in both places it occurs, insert “or 19A”.

(7) For section 43 (provision of careers education in schools in Wales) substitute—
“43 *Provision of careers education for certain persons: Wales*

(1) A programme of careers education must be provided for—

(a) each pupil who—

(i) is a registered pupil at a school in Wales listed in subsection (2), and

(ii) is of compulsory school age, or over compulsory school age, but under the age of 19;

(b) each person who—

(i) is attending an institution in Wales within the further education sector (whether full or part time), and

(ii) is of compulsory school age, or over compulsory school age but under the age of 19;

(c) each child or young person for whom arrangements are made under section 19A of the Education Act 1996 (exceptional provision of education in pupil referral units or elsewhere: Wales).

(2) The schools are—

(a) community, foundation and voluntary schools;

(b) community special schools (other than those established in hospitals).

(3) The following persons must secure that subsection (1) is complied with—

(a) in the case of a pupil falling within subsection (1)(a), the head teacher of the school;

(b) in the case of a person falling within subsection (1)(b), the principal or other head of the institution;

(c) in the case of a child or young person falling within subsection (1)(c)—

(i) the local authority that makes the arrangements, and

(ii) where the arrangements include the provision of education at a pupil referral unit maintained by a local authority in Wales, the teacher in charge of the unit.

(4) In this section—

“career” includes the undertaking of any training, employment or occupation or any course of education;

“careers education” means education designed to prepare persons for taking decisions about their careers and to help them implement such decisions.”

(8) In section 44 (schools and other institutions in Wales to co-operate with careers advisers)—

- (a) in subsection (8)—
 - (i) in paragraph (a), omit “(a) and (c)”;
 - (ii) omit the “and” after paragraph (a);
 - (iii) after paragraph (a) insert—
 - “(aa) pupil referral units maintained by local authorities in Wales, and”;
 - (b) in subsection (10), for paragraph (a) substitute—
 - “(a) a pupil at a school in Wales, or at a pupil referral unit maintained by a local authority in Wales, is a relevant pupil if the pupil is receiving secondary education and—
 - (i) in the case of a pupil at a school is under 19, and
 - (ii) in the case of a pupil at a pupil referral unit, is under 18; and”.
- (9) In section 45 (provision of careers information at schools and other institutions)—
- (a) in subsection (2)—
 - (i) in paragraph (a), omit “(a) and (c)”;
 - (ii) omit the “and” after paragraph (a);
 - (iii) after paragraph (a) insert—
 - “(aa) pupil referral units maintained by local authorities in Wales; and”;
 - (b) after subsection (3) insert—
 - “(3A) In the case of children within subsection (1), it is the duty of the local authority concerned to secure that subsection (1) is complied with.”
- (10) In section 45B (provision of curriculum information: Wales)—
- (a) in subsection (6)—
 - (i) omit the “and” after paragraph (a);
 - (ii) after paragraph (a) insert—
 - “(aa) the local authority and the teacher in charge of a pupil referral unit maintained by a local authority in Wales; and”;
 - (b) in subsection (7)—
 - (i) in the definition of “curriculum information”—
 - (aa) in paragraph (a), for “during the relevant phase of their education” substitute “who are receiving secondary education”;
 - (bb) after paragraph (a) insert—
 - “(aa) in relation to a pupil referral unit, information about the curriculum for registered pupils at the unit who are receiving secondary education; and”;
 - (ii) omit the definition of “relevant phase”.
- (11) In section 46 (extension or modification of provisions of ss 43 to 45)—
- (a) in the section heading, for “ss 43 to 45” substitute “sections 42A to 45”;
 - (b) in subsection (1)—
 - (i) for “42A, 42B, 43 or 44” substitute “42A or 42B, in relation to England”;
 - (ii) for “42A(6), 42B(9), 43(5) or 44(10)(a)(i)” substitute “42A(6) or 42B(9)”;
 - (c) after subsection (1) insert—

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“(1A) The Welsh Ministers may by regulations make provision extending the range of pupils, children and young persons to whom section 43 or 44 applies.

(1B) The regulations may among other things make provision by reference to a description of school specified in the regulations.”;

(d) in subsection (2), omit “43, 44 or”.

School Standards and Framework Act 1998 (c. 31)

4.—(1) The School Standards and Framework Act 1998 is amended as follows.

(2) In the italic heading before section 58, after “religious education” insert “etc”.

(3) In section 58 (appointment and dismissal of certain teachers at schools with a religious character)—

(a) in the heading, at the end insert “: England”;

(b) in subsection (1)—

(i) in paragraph (a), after “voluntary controlled school” insert “in England”;

(ii) in paragraph (b), after “voluntary aided school” insert “in England”;

(iii) in the words after paragraph (b)—

(aa) after “construed” insert “in relation to a school in England,”;

(bb) omit “section 68A and”.

(4) After section 58 insert—

“58A. Appointment and dismissal of certain teachers at schools with a religious character: Wales

(1) In this section—

(a) subsections (3) to (7) apply to a foundation or voluntary controlled school in Wales that has a religious character, and

(b) subsections (8) and (9) apply (subject to subsection (10)) to a voluntary aided school in Wales that has a religious character.

(2) References in this Chapter to a school which has (or does not have) a religious character are to be construed, in relation to a school in Wales, in accordance with section 68A(1).

(3) Where the number of teachers at a school to which this subsection applies is more than two, the teachers must include persons (“reserved teachers”) who—

(a) are selected for their fitness and competence to provide teaching and learning within subsection (11), and

(b) are specifically appointed to provide that teaching and learning.

(4) The number of reserved teachers at a school must not exceed one fifth of the total number of teachers, including the head teacher; and for this purpose where the total number of teachers is not a multiple of five, it is to be treated as if it were the next higher multiple of five.

(5) Where the appropriate body propose to appoint a person as a reserved teacher in a school, that body—

(a) must consult the foundation governors, and

(b) must not appoint that person unless the foundation governors are satisfied as to the person’s fitness and competence to provide teaching and learning within subsection (11).

(6) Subsection (7) applies if the foundation governors of a school to which subsection (3) applies consider that a person appointed as a reserved teacher at the school has failed to provide teaching and learning within subsection (11) efficiently and suitably.

- (7) The foundation governors may—
- (a) in the case of a teacher who is an employee, require the appropriate body to dismiss the teacher from employment as a teacher appointed under subsection (3);
 - (b) in the case of a teacher who is engaged otherwise than under a contract of employment, require the governing body to terminate that engagement.
- (8) Subsection (9) applies if a teacher appointed to provide teaching and learning within subsection (11), in a school to which this subsection applies, fails to provide that teaching and learning efficiently and suitably.
- (9) The teacher may be dismissed by the governing body, without the consent of the local authority, on the ground of failure to provide the teaching and learning efficiently and suitably.
- (10) Subsection (9) does not apply where the school has a delegated budget.
- (11) Teaching and learning within this section is teaching and learning in Religion, Values and Ethics that accords with—
- (a) any provisions of the school’s trust deed that relate to teaching and learning in Religion, Values and Ethics, or
 - (b) if there are no such provisions, the tenets of the religion or religious denomination specified in relation to the school under section 68A.
- (12) In this section—
- “the appropriate body” means—
- (a) in relation to a foundation school, the governing body, and
 - (b) in relation to a voluntary controlled school, the local authority;
- “Religion, Values and Ethics” has the same meaning as in the Curriculum and Assessment (Wales) Act 2021.”
- (5) In section 59 (staff at community, secular foundation or voluntary, or special school)—
- (a) in subsection (3), after “education” insert “(in the case of a school in England) or to provide teaching and learning in Religion, Values and Ethics (in the case of a school in Wales)”;
 - (b) in subsection (4), in paragraph (a), after “education” insert “or (as the case may be) provide teaching and learning in Religion, Values and Ethics”.
- (6) In section 60 (staff at foundation or voluntary school with a religious character), in subsection (5)(a), in sub-paragraph (iii), after “tenets” insert “(in the case of a school in England) or to provide teaching and learning in Religion, Values and Ethics in accordance with those tenets (in the case of a school in Wales)”.
- (7) In section 102 (permitted selection: aptitude for particular subjects)—
- (a) in the heading, after “selection” insert “in maintained schools in England”;
 - (b) in subsection (1), after “maintained school” insert “in England”.
- (8) After section 102 insert—
- “102A. Permitted selection in maintained schools in Wales: aptitude for particular areas of learning and experience etc.*
- (1) The admission arrangements for a maintained school in Wales may make provision for the selection of pupils for admission to the school by reference to their aptitude for—
- (a) one or more prescribed areas of learning and experience, or
 - (b) one or more prescribed elements within one or more areas of learning and experience.
- (2) But the admission arrangements may make such provision only where—

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- (a) the admission authority for the school are satisfied that the school has a specialism in the area or areas, or element or elements, in question, and
- (b) the proportion of selective admissions in any relevant age group does not exceed 10 per cent.

(3) Subsection (1) does not apply if the admission arrangements make provision for any test to be carried out in relation to an applicant for admission which is either a test of ability or one designed to elicit the applicant's aptitude other than for the area or areas, or element or elements, in question.

(4) Where, however, the admission arrangements for a school make both such provision for selection by aptitude as is mentioned in subsection (1) and such provision for selection by ability as is mentioned in section 101(1), the reference in subsection (3) to a test of ability does not include any such test for which provision may be made under that section.

(5) In this section, "the proportion of selective admissions", in relation to a relevant age group, means the proportion of the total number of pupils admitted to the school in that age group (determined in the prescribed manner) which is represented by the number of pupils so admitted by reference to aptitude for the area or areas, or element or elements, in question.

(6) In this section—

"area of learning and experience" has the same meaning as in the Curriculum and Assessment (Wales) Act 2021;

"test" includes assessment and examination."

(9) In Schedule 20 (collective worship), in paragraph 4, in sub-paragraph (1), for "on religious education" substitute "constituted under section 390 of the Education Act 1996".

(10) In Schedule 26 (inspection of nursery education in Wales), in paragraph 3 (general functions of the Chief Inspector)—

(a) the existing provision becomes sub-paragraph (1);

(b) in that sub-paragraph—

(i) omit the "and" after paragraph (ac);

(ii) after paragraph (ac) insert—

"(ad) the development of children for whom relevant nursery education is provided, by reference to the four purposes of a curriculum for those children, and";

(c) after that sub-paragraph insert—

"(2) In sub-paragraph (1), the four purposes of a curriculum for the children mentioned in paragraph (ad) are those set out in section 2(1) of the Curriculum and Assessment (Wales) Act 2021."

Learning and Skills Act 2000 (c. 21)

5.—(1) The Learning and Skills Act 2000 is amended as follows.

(2) In section 33D (determination of a pupil's relevant school or institution)—

(a) in subsection (1), for "fourth key stage" substitute "relevant period";

(b) after subsection (1) insert—

"(1A) The relevant period, in relation to a registered pupil of a maintained school, is the period—

(a) beginning at the same time as the school year in which the majority of pupils in the pupil's class attain the age of 15, and

(b) ending at the same time as the school year in which the majority of pupils in the pupil's class cease to be of compulsory school age.”

(3) In section 33N (the local curriculum: interpretation), in subsection (1), omit the definition of “fourth key stage”.

Education Act 2002 (c. 32)

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

(2) In section 1 (purpose and interpretation of Chapter 1), in subsection (2)—

(a) in paragraph (a), after “school” insert “in England”;

(b) omit the “and” after paragraph (a);

(c) after paragraph (a) insert—

“(aa) have regard to the need for the curriculum for pupils of compulsory school age, or below that age, at any maintained school affected by the project that is maintained by a local authority in Wales—

(i) to enable pupils to develop in the ways described in the four purposes set out in section 2(1) of the Curriculum and Assessment (Wales) Act 2021,

(ii) to provide for appropriate progression,

(iii) to be suitable for pupils of differing ages, abilities and aptitudes, and

(iv) to be broad and balanced,

(ab) have regard to the need for—

(i) the curriculum for pupils above compulsory school age at any maintained school affected by the project that is maintained by a local authority in Wales, and

(ii) the curriculum for pupils of any age at any other school in Wales affected by the project, to be a balanced and broadly based curriculum which promotes the spiritual, moral, cultural, mental and physical development of those pupils and of society, and”.

(3) In section 6 (interpretation of Chapter 2), in subsection (4), in the definition of “curriculum provision”, in paragraph (b), for “provision of the National Curriculum for Wales” substitute “requirement imposed under or by virtue of Part 2 of the Curriculum and Assessment (Wales) Act 2021”.

(4) In section 29 (additional functions of governing body), in subsection (3)—

(a) the words from “any instruction or training” to the end become paragraph (a);

(b) at the end of paragraph (a) insert “(in the case of a school maintained by a local authority in England),”;

(c) after paragraph (a) insert—

“or

(b) any instruction or training included in a curriculum for those pupils by virtue of the Curriculum and Assessment (Wales) Act 2021 or the Learning and Skills (Wales) Measure 2009 (in the case of a school maintained by a local authority in Wales).”

(5) In section 210 (orders and regulations), in subsection (6A), omit “or an order”.

(6) In section 212 (general interpretation), in subsection (3), in paragraph (e), for “Parts 6 and 7” substitute “Part 6”.

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- (7) In section 216 (commencement), in subsection (3), omit “Part 7,”.
- (8) In Schedule 21 (minor and consequential amendments)—
- (a) in paragraph 45, omit “, and (ii) in relation to a school maintained by a local authority in Wales, have the same meaning as in Part 7 of that Act (the curriculum in Wales); and”;
 - (b) in paragraph 46—
 - (i) in sub-paragraph (4), omit “, and (b) sections 97 to 117 (the curriculum in Wales)”;
 - (ii) in sub-paragraph (5), omit “or 7”;
 - (c) in paragraph 48—
 - (i) in sub-paragraph (2)—
 - (aa) omit “or 109”;
 - (bb) omit “or National Curriculum for Wales”;
 - (ii) in sub-paragraph (3), omit “or 109”;
 - (d) in paragraph 57, in sub-paragraph (b), in the definition of “the National Curriculum”, omit “, and (b) in relation to Wales, the National Curriculum for Wales”.

Nationality, Immigration and Asylum Act 2002 (c. 41)

7. In section 36 (education: general) of the Nationality, Immigration and Asylum Act 2002, in subsection (5), in paragraph (c), after “section 19” insert “or 19A”.

Education Act 2005 (c. 18)

- 8.—(1) The Education Act 2005 is amended as follows.
- (2) In section 20 (functions of Chief Inspector)—
- (a) in subsection (1), after paragraph (d) insert—

“(da) the development of pupils at maintained schools (except those over compulsory school age) by reference to the four purposes of a curriculum for those pupils,”;
 - (b) after subsection (1) insert—

“(1A) In subsection (1)(da)—

“maintained school” does not include a community special school established in a hospital, and

“the four purposes of a curriculum” for the pupils mentioned in paragraph (da) are those set out in section 2(1) of the Curriculum and Assessment (Wales) Act 2021.”
- (3) In section 28 (duty to arrange regular inspections of certain schools)—
- (a) in subsection (5), after paragraph (d) insert—

“(da) the development of the pupils at the school (except those over compulsory school age) by reference to the four purposes of a curriculum for those pupils,”;
 - (b) after subsection (5) insert—

“(5A) The duty to report on the matters mentioned in subsection (5)(da) does not apply in the case of an inspection conducted at a community special school established in a hospital.

(5B) In subsection (5)(da), “the four purposes of a curriculum” for the pupils mentioned in paragraph (da) are those set out in section 2(1) of the Curriculum and Assessment (Wales) Act 2021.”

- (4) In section 47 (meaning of “denominational education”)—
- (a) the existing provision becomes subsection (1);
 - (b) in that subsection, after “in relation to a school” insert “in England”;
 - (c) after that subsection insert—
 - “(2) In this Part, “denominational education”, in relation to a school in Wales, means teaching and learning in respect of Religion, Values and Ethics, which is provided—
 - (a) under paragraph 7(3) or paragraph 8(4) of Schedule 1 to the Curriculum and Assessment (Wales) Act 2021, or
 - (b) under section 61 of that Act, and in accordance with—
 - (i) any provisions of the school’s trust deed that relate to teaching and learning in respect of the mandatory element of Religion, Values and Ethics, or
 - (ii) the tenets of the religion or religious denomination specified in relation to the school in an order under section 68A of the School Standards and Framework Act 1998.”

Safeguarding Vulnerable Groups Act 2006 (c. 47)

9. In Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (regulated activity)—
- (a) in paragraph 1(9B)(m), for “religious” substitute “denominational”;
 - (b) in paragraph 3, in sub-paragraph (1), in paragraph (aa), for “19(2) or (2B)” substitute “19(2B) or 19A(2)”.

Learner Travel (Wales) Measure 2008 (nawm 2)

10. In section 1 of the Learner Travel (Wales) Measure 2008 (main terms used in this Measure), in subsection (4), in paragraph (f), for “19(1)” substitute “19A(1)”.

Learning and Skills (Wales) Measure 2009 (nawm 1)

- 11.—(1) The Learning and Skills (Wales) Measure 2009 is amended as follows.
- (2) In section 35 (the local curriculum: interpretation), omit the definition of “fourth key stage” in section 33N(1) of the Learning and Skills Act 2000.
- (3) In section 43 (the learning pathway document), in subsection (2), in paragraph (a), omit “section 116E(1) of the Education Act 2002 or”.
- (4) In the Schedule (minor and consequential amendments)—
- (a) omit the italic heading before paragraph 21;
 - (b) omit paragraphs 21 and 22.

Education (Wales) Measure 2011 (nawm 7)

- 12.—(1) The Education (Wales) Measure 2011 is amended as follows.
- (2) In section 3 (duty of education body to collaborate), in subsection (4)—
- (a) omit paragraph (b);
 - (b) after paragraph (c) insert—
 - “(d) section 65 of the Curriculum and Assessment (Wales) Act 2021.”

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(3) In section 5 (powers to collaborate), in subsection (1), in paragraph (c), for “section 116J of the Education Act 2002, or” substitute “section 65 of the Curriculum and Assessment (Wales) Act 2021,”.

Protection of Freedoms Act 2012 (c. 9)

13. In section 28 of the Protection of Freedoms Act 2012 (interpretation: Chapter 2), in subsection (9), for “19(2)” substitute “19A(2)”.

School Standards and Organisation (Wales) Act 2013 (anaw 1)

14.—(1) The School Standards and Organisation (Wales) Act 2013 is amended as follows.

(2) In Schedule 2 (regulated alterations), in paragraph 7—

(a) in sub-paragraph (2)—

(i) for “an age group” substitute “a relevant year group”;

(ii) for “age group (or those age groups)” substitute “relevant year group (or those relevant year groups)”;

(b) in sub-paragraph (3), for paragraph (a) substitute—

“(a) “relevant year group” means a year group in which the majority of the pupils have not yet completed the school year in which they attain the age of 11;”.

(3) In Schedule 5 (minor and consequential amendments), in paragraph 2, omit sub-paragraph (8).

Criminal Justice and Courts Act 2015 (c. 2)

15. In Schedule 4 to the Criminal Justice and Courts Act 2015 (ill-treatment or wilful neglect: excluded health care)—

(a) in paragraph 2, in sub-paragraph (b), after “section 19” insert “or 19A”;

(b) in paragraph 3, in sub-paragraph (f), for “section 19” substitute “sections 19 and 19A”.

Counter-Terrorism and Security Act 2015 (c. 6)

16.—(1) The Counter-Terrorism and Security Act 2015 is amended as follows.

(2) In Schedule 6 (specified authorities), in the entry under the heading “Education, child care etc” that begins with “A person with whom arrangements have been made”, after “19” insert “or 19A”.

(3) In Schedule 7 (partners of local panels), in the entry under the heading “Education, child care etc” that begins with “A person with whom arrangements have been made”, after “19” insert “or 19A”.

Social Services and Well-being (Wales) Act 2014 (anaw 4)

17.—(1) The Social Services and Well-being (Wales) Act 2014 is amended as follows.

(2) In section 91 (regulations about the avoidance of disruption in education)—

(a) in subsection (1)—

(i) after “concerning a” insert “relevant”;

(ii) omit “if he or she is in the fourth key stage”;

(b) after subsection (1) insert—

“(1A) In subsection (1), a “relevant child” means a child who—

(a) is a pupil at a maintained school,

- (b) has completed the school year in which the majority of pupils in the child’s class attained the age of 14, and
- (c) is still of compulsory school age.”;
- (c) for subsection (2) substitute—
 - “(2) In subsection (1A)—
 - (a) “pupil”, “school year” and “compulsory school age” have the meaning given by the Education Act 1996;
 - (b) “maintained school” has the meaning given by section 79 of the Curriculum and Assessment (Wales) Act 2021;
 - (c) “the child’s class” means—
 - (i) the teaching group in which the child is regularly taught at school, or
 - (ii) where there are two or more such groups, the group designated by the head teacher of the child’s school.”

Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2)

18.—(1) The Additional Learning Needs and Education Tribunal (Wales) Act 2018 is amended as follows.

(2) In section 99 (general interpretation), in subsection (1), in the definition of “pupil referral unit”, for “19(2)” substitute “19A(2)”.

(3) In Schedule 1 (minor and consequential amendments and repeals), in paragraph 4, omit subparagraph (6).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 74(1) of the Curriculum and Assessment (Wales) Act 2021 (“the 2021 Act”) which enables the Welsh Ministers to make additional provision giving full effect to the 2021 Act and under section 75(1)(b) of the 2021 Act which enables the Welsh Ministers to make different provision for different purposes. The 2021 Act establishes a new framework for a curriculum and makes provision about assessment for pupils and children in Wales. This is the Curriculum for Wales (“CfW”).

The Regulations deal with consequential amendments to primary legislation arising from the implementation of the 2021 Act.

Regulation 1 of these Regulations provides for the commencement of these Regulations by year group. This will mirror the planned roll out of the CfW which will also be phased in over a period of time by year group.

The CfW and the provisions in these Regulations will become mandatory as follows—

- (a) on 1 September 2022—
 - (i) for a child or pupil receiving nursery education,

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- (ii) for a child or pupil in a reception year at a maintained school,
- (iii) for a child or pupil in years 1 to 6,
- (b) on 1 September 2022 for a child or pupil in year 7 in those maintained schools, pupil referral units and for those children provided with non-PRU EOTAS where there is a curriculum adopted or otherwise provided in accordance with the 2021 Act,
- (c) on 1 September 2023 for a child or pupil in years 7 and 8,
- (d) on 1 September 2024 for a child or pupil in year 9,
- (e) on 1 September 2025 for a child or pupil in year 10, and
- (f) on 1 September 2026 for a child or pupil in years 11 to 13.

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.