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WELSH STATUTORY INSTRUMENTS

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**2011 No. 97 (W.20) (C.6)**

**EDUCATION, WALES**

**The Learning and Skills (Wales) Measure  
2009 (Commencement No 2) Order 2011**

Made - - - - 17 January 2011

The Welsh Ministers, in exercise of the powers conferred upon them by sections 48(2) and 49(2) of the Learning and Skills (Wales) Measure 2009<sup>(1)</sup>, make the following Order:

**Title and interpretation**

**1.**—(1) The title of this Order is the Learning and Skills (Wales) Measure 2009 (Commencement No 2) Order 2011.

(2) In this Order—

“the 2000 Act” (“*Deddf 2000*”) means the Learning and Skills Act 2000<sup>(2)</sup>;

“the Measure” (“*y Mesur*”) means the Learning and Skills (Wales) Measure 2009.

**Appointed Days**

**2.**—(1) The appointed day for the purpose of the coming into force of the following provisions of the Measure is 19 January 2011—

- (a) section 23 (local curricula: Welsh language);
- (b) section 25 (determination of a pupil’s “relevant school or institution”);
- (c) section 26 (pupils’ choices of local curriculum courses);
- (d) section 28 (head teacher’s or principal’s decision as to entitlement) for the purpose of making regulations under section 33G(3) of the 2000 Act;
- (e) section 30 (head teacher’s or principal’s decision to remove entitlement) for the purpose of making regulations under section 33I(3) of the 2000 Act;
- (f) section 31 (planning the local curriculum);
- (g) section 32 (delivery of local curriculum entitlements: joint-working);
- (h) section 33 (joint-working: guidance and directions);
- (i) section 34 (power to amend learning domains);

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(1) 2009 nawm 1.

(2) 2000 c. 21.

- (j) section 35 (the local curriculum: interpretation);
  - (k) section 36 (local curriculum: directions);
  - (l) section 37 (application of local curriculum provisions to students who are registered pupils of special schools or who have learning difficulties);
  - (m) section 38 (application of local curriculum provisions to institutions within the higher education sector);
  - (n) section 39 (regulations and orders: procedure);
  - (o) section 47 (minor and consequential amendments) fully;
  - (p) paragraphs 1 to 10 of the Schedule (minor and consequential amendments).
- (2) The appointed day for the purpose of the coming into force of the following provisions of the Measure is 14 February 2011—
- (a) section 21 (education and training for persons aged 16 to 18);
  - (b) section 22 (formation of local curricula for students aged 16 to 18);
  - (c) section 24 (areas with more than one local curriculum);
  - (d) section 27 (students' local curriculum entitlements);
  - (e) section 28 (head teacher's or principal's decision as to entitlement) in so far as not commenced by article 2(1)(d);
  - (f) section 29 (delivery of local curriculum entitlements);
  - (g) section 30 (head teacher's or principal's decision to remove entitlement) in so far as not commenced by article 2(1)(e).

17 January 2011

*Leighton Andrews*  
Deputy Minister for Skills under authority of the  
Minister for Children, Education and Lifelong  
Learning, one of the Welsh Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 19 January 2011 and 14 February 2011 various provisions of the Learning and Skills (Wales) Measure 2009 specified in article 2 of the Order.

The provisions of the Measure brought into force on 19 January 2011 are as follows:

- Section 23 inserts section 33B into the Learning and Skills Act 2000 (“the 2000 Act”) which requires the Welsh Ministers to promote access to and availability of courses of study taught through the medium of Welsh.
- Section 25 inserts section 33D into the 2000 Act which requires a head teacher at a school to determine a pupil’s relevant school or institution if requested to do so.
- Section 26 inserts section 33E into the 2000 Act which gives a registered pupil of a maintained school the right to elect to follow a course or courses of study included in a local curriculum.
- Section 28 (which is commenced for the purpose of making regulations) inserts section 33G into the 2000 Act which makes provision for a head teacher or principal to decide that a student is not entitled to follow a particular course or courses of study.
- Section 30 (which is commenced for the purpose of making regulations) inserts section 33I into the 2000 Act which makes provision for a head teacher or principal to decide that a student is no longer entitled to follow a course of study.
- Section 31 inserts section 33J into the 2000 Act. This requires local authorities, governing bodies and head teachers of secondary schools, governing bodies and principals of further education institutions to assist the Welsh Ministers in planning the local curricula.
- Section 32 inserts section 33K into the 2000 Act which makes provision in relation to maximising the availability of courses of study included in a local curriculum.
- Section 33 inserts section 33L into the 2000 Act which makes provision in relation to the joint-working obligations imposed by section 33K of the 2000 Act.
- Section 34 inserts section 33M into the 2000 Act. This allows Welsh Ministers to amend section 33A(3) of the 2000 Act.
- Section 35 inserts section 33N into the 2000 Act. This contains definitions.
- Section 36 inserts section 33O into the 2000 Act and makes provision about directions.
- Section 37 inserts section 33P into the 2000 Act so as to allow regulations to apply the local curriculum provisions to special schools.
- Section 38 inserts section 33Q into the 2000 Act so as to allow regulations to apply the local curriculum provisions to higher education institutions.
- Section 39 amends section 152 of the 2000 Act in relation to the procedure for making regulations and orders.
- Section 47 and paragraphs 1 to 10 of the Schedule contain minor and consequential amendments.

The provisions of the Measure brought into force on 14 February 2011 are as follows:

- Section 21 amends section 31 of the 2000 Act so that the general duties on Welsh Ministers in relation to further education apply in relation to the local curriculum.

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- Section 22 inserts section 33A into the 2000 Act which requires the Welsh Ministers to form at least one local curriculum in respect of each local authority area for students who are above compulsory school age but have not attained the age of 19.
- Section 24 inserts section 33C into the 2000 Act which makes provision in relation to the formation of more than one local curriculum for a local authority area.
- Section 27 inserts section 33F into the 2000 Act which makes provision as to a student's entitlement to follow a chosen course of study.
- Section 28 is commenced in so far as not already commenced by this Order.
- Section 29 inserts section 33H into the 2000 Act which imposes a duty on the governing body of a school or institution to deliver local curriculum entitlements.
- Section 30 is commenced in so far as not already commenced by this Order.

#### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

The following provisions of the Learning and Skills (Wales) Measure 2009 have been brought into force by the Learning and Skills (Wales) Measure 2009 (Commencement No 1 and Transitional Provision) Order 2009 made before the date of this Order:

| <i>Provision</i>   | <i>Date of commencement</i> | <i>S.I. No</i>                            |
|--------------------|-----------------------------|---|
| Section 1          | 7 December 2009             | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Sections 2 and 3   | 1 January 2010              | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Section 4 in part  | 7 December 2009             | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Section 4 fully    | 1 January 2010              | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Sections 5 and 6   | 1 January 2010              | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Section 7 in part  | 7 December 2009             | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Section 7 fully    | 1 January 2010              | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Section 8          | 1 January 2010              | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Section 9 in part  | 7 December 2009             | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Section 9 fully    | 1 January 2010              | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Section 10         | 1 January 2010              | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Section 11 in part | 7 December 2009             | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Section 11 fully   | 1 January 2010              | <a href="#">2009/3174 (W.276)</a>         |
| Sections 12 to 14  | 7 December 2009             | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Sections 15 to 17  | 1 January 2010              | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Section 18         | 7 December 2009             | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Section 19         | 1 January 2010              | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Section 20         | 7 December 2009             | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Sections 40 to 45  | 7 December 2009             | <a href="#">2009/3174 (W.276) (C.141)</a> |
| Section 47 in part | 7 December 2009             | <a href="#">2009/3174 (W.276) (C.141)</a> |

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| <i>Provision</i>                    | <i>Date of commencement</i> | <i>S.I. No</i>                            |
|-------------------------------------|-----------------------------|---|
| Paragraphs 11 to 22 of the Schedule | 7 December 2009             | <a href="#">2009/3174 (W.276) (C.141)</a> |

See also section 49(1) for the provisions that come into force on 13 July 2009 (two months after approval of the Measure by Her Majesty in Council).