
WELSH STATUTORY INSTRUMENTS

2022 No. 652 (W. 144) (C. 36)

EDUCATION, WALES

**The Curriculum and Assessment (Wales) Act 2021
(Commencement No. 3 and Transitional Provision) Order 2022**

Made - - - -

13 June 2022

The Welsh Ministers, in exercise of the powers conferred by section 84(2), (3) and (4) of the Curriculum and Assessment (Wales) Act 2021⁽¹⁾, make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Curriculum and Assessment (Wales) Act 2021 (Commencement No. 3 and Transitional Provision) Order 2022.

(2) In this Order—

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

“the 2018 Act” (“*Deddf 2018*”) means the Additional Learning Needs and Education Tribunal (Wales) Act 2018⁽³⁾;

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

“academic year” (“*blwyddyn academaidd*”) means the period of 12 months beginning on 1 September;

“additional learning needs” (“*anghenion dysgu ychwanegol*”) has the meaning given to it in section 2 of the 2018 Act;

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

“individual development plan” (“*cynllun datblygu unigol*”) means a plan prepared and maintained under Chapter 2 of Part 2 of the 2018 Act;

“maintained school” (“*ysgol a gynhelir*”) means a maintained school within the meaning of section 79(1)(a) and (b) of the 2021 Act;

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

- (i) in a maintained school or a maintained nursery school, or
- (ii) by the provider of funded non-maintained nursery education;

⁽¹⁾ 2021 asc 4.

⁽²⁾ 1996 c. 56.

⁽³⁾ 2018 anaw 2.

“provider of funded non-maintained nursery education” (“*darparwr addysg feithrin a gyllidir ond nas cynhelir*”) has the meaning given to it in section 80(2)(a) of the 2021 Act;

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

“pupil” (“*disgybl*”) has the meaning given to it in section 3 of the 1996 Act(4);

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

“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;

“special educational needs” (“*anghenion addysgol arbennig*”) has the meaning given to it in section 312(1) of the 1996 Act(5);

“special educational needs provision” (“*darpariaeth anghenion addysgol arbennig*”) has the meaning given to it in section 312(4) of the 1996 Act(6);

“statement of special educational needs” (“*datganiad anghenion addysgol arbennig*”) means a statement within the meaning of section 324 of the 1996 Act(7);

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

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

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

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

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

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

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

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

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

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

(5) Amended by S.I. 2010/1158.

(6) Amended by S.I. 2010/1158.

(7) Subsection (4A) was inserted by section 9 of the Special Educational Needs and Disability Act 2001 (c. 10). Subsection (5) was amended by paragraph 77(a) of Schedule 30 to the School Standards and Framework Act 1998 (c. 31) and by paragraph 43 of Schedule 21 to the Education Act 2002 (c. 32). Subsection (5A) was inserted by paragraph 77(b) of Schedule 30 to the School Standards and Framework Act 1998. Section 324 was repealed by paragraph 4(1) and (9) of Schedule 1 to the Additional Learning Needs and Education Tribunal (Wales) Act 2018. That repeal is not yet fully in force.

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

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

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

“year 13” (“*blwyddyn 13*”) means a year group in which the majority of children or 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.

Transitional provision

2. Until such time as Part 4 of the 1996 Act is repealed by the 2018 Act references in Part 2 of the 2021 Act to—

- (a) “additional learning needs provision” are treated as including “special educational provision”;
- (b) “additional learning needs” are treated as including “special educational needs”; and
- (c) “individual development plan” are treated as including a “statement of special educational needs”.

Provisions coming into force on 14 June 2022: partially

3. The following provisions of the 2021 Act come into force on 14 June 2022—

- (a) sections 42 and 43 for the purpose of making regulations under section 42, and
- (b) section 69 for the purpose of making regulations under that section.

Provisions coming into force on 1 September 2022: fully

4. The following provisions of the 2021 Act come into force on 1 September 2022—

- (a) sections 6 to 8 to the extent they are not already in force,
- (b) sections 42 and 43 to the extent they are not already in force,
- (c) sections 56 and 57 to the extent they are not already in force,
- (d) sections 63 to 67,
- (e) section 69 to the extent it is not already in force, and
- (f) sections 70 and 71.

Provisions coming into force on 1 September 2022: partially

5.—(1) The provisions of the 2021 Act in paragraph (2) come into force on 1 September 2022 for a child or pupil—

- (a) who is provided with nursery education,
- (b) in a reception year,
- (c) in years 1 to 6, and
- (d) in year 7 in those maintained schools and pupil referral units set out in the Schedule.

(2) The provisions referred to in paragraph (1) are—

- (a) sections 9 to 24(1), (2), (3) and (4),
- (b) sections 25 to 29,
- (c) sections 34 to 41,
- (d) sections 44 to 55, and
- (e) Schedule 1.

Provisions coming into force on 1 September 2023: partially

6.—(1) The provisions of the 2021 Act in paragraph (2) come into force on 1 September 2023 for a child or pupil in—

- (a) year 7 for all other settings not listed in the Schedule (Year 7 List), and
- (b) year 8.

(2) The provisions referred to in paragraph (1) are—

- (a) sections 9 to 24(1), (2), (3) and (4),
- (b) sections 25 to 29,
- (c) sections 34 to 41,
- (d) sections 44 to 55, and
- (e) Schedule 1.

Provisions coming into force on 1 September 2024: partially

7. The following provisions of the 2021 Act come into force on 1 September 2024 for a child or pupil in year 9—

- (a) sections 9 to 24(1), (2), (3) and (4),
- (b) sections 25 to 29,
- (c) sections 34 to 41,
- (d) section 68,
- (e) sections 44 to 55, and
- (f) Schedule 1.

Provisions coming into force on 1 September 2025: partially

8. The following provisions of the 2021 Act come into force on 1 September 2025 for a child or pupil in year 10—

- (a) sections 9 to 41,
- (b) sections 44 to 55, and
- (c) Schedule 1.

Provisions coming into force on 1 September 2026: fully

9. The following provisions of the 2021 Act come into force on 1 September 2026 to the extent they are not already in force—

- (a) sections 9 to 41,
- (b) sections 44 to 55,
- (c) sections 58 to 62,

- (d) section 68, and
- (e) Schedule 1.

13 June 2022

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

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

SCHEDULE

article 5

Year 7 List

1. The schools and pupil referral units referred to in article 4(1)(d) of this Order are—

<i>School and Pupil Referral Unit Name</i>	<i>School Number and Pupil Referral Number</i>
Blaenau Gwent County Borough Council	
Brynmawr Foundation School	6775401
Pen-y-Cwm Special School	6777011
Tredegar Comprehensive School	6774061
Bridgend County Borough Council	
Brynteg School	6724078
Coleg Cymunedol y Dderwen	6724086
Cynffig Comprehensive School	6724059
Heronsbridge School	6727003
Maesteg School	6724071
Pencoed Comprehensive School	6724076
Ysgol Bryn Castell	6727012
Ysgol Gyfun Gymraeg Llangynwyd	6724085
Caerphilly County Borough Council	
Bedwas High School	6764093
Glanynant Learning Centre	6761104
Idris Davies School 3 - 18	6765500
Lewis Girls' School	6764077
Lewis School Pengam	6764075
Newbridge School	6764031
Risca Community Comprehensive School	6764068
St Cenydd Community School	6764065
Trinity Fields School and Resource Centre	6767011
Heolddu Comprehensive School	6764073
Cardiff City and County Council	
Cardiff High School	6814039
Cathays High School	6814054
Eastern High School	6814076
Fitzalan High School	6814042

<i>School and Pupil Referral Unit Name</i>	<i>School Number and Pupil Referral Number</i>
Greenhill Special School	6817001
Llanishen High School	6814051
Radyr Comprehensive School	6814070
St Illtyd's Catholic High School	6814600
The Bishop of Llandaff Church in Wales High School	6814608
Willows High School	6814041
Ysgol Gyfun Gymraeg Plasmawr	6814072
Carmarthenshire County Council	
Ysgol Gyfun Gymraeg Bro Myrddin	6694056
Bryngwyn School	6694054
Glan-y-Môr School	6694053
Ysgol Gyfun y Strade	6694052
Ceredigion County Council	
Ysgol Henry Richard	6675501
Conwy County Borough Council	
Conwy Education Centre	6621109
Dyffryn Conwy School	6624035
Eirias High School	6625402
John Bright School	6624022
Ysgol Aberconwy	6624023
Denbighshire County Council	
Ysgol Uwchradd Glan Clwyd	6634020
Gwynedd Council	
Brynrefail School	6614004
Godre'r Berwyn School	6615501
Moelwyn School	6614031
Ysgol Bro Idris	6615500
Ysgol Eifionydd	6614009
Ysgol Friars	6614036
Merthyr Tydfil County Borough Council	
Afon Taf High School	6754011
Bishop Hedley Catholic High School	6754600
Cyfarthfa High School	6754013
Monmouthshire County Council	
Caldicot School	6794066
Chepstow School	6794065

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

<i>School and Pupil Referral Unit Name</i>	<i>School Number and Pupil Referral Number</i>
King Henry VIII School	6794064
Monmouth Comprehensive School	6794060
Neath Port Talbot Council	
Cefn Saeson Comprehensive School	6714064
Newport County Borough Council	
Bassaleg School	6804030
Caerleon Comprehensive School	6804059
Lliswerry High School	6804026
Maes Ebbw School	6807002
Newport High School	6804025
St Joseph's RC High School	6804602
St Julian's Secondary School	6804003
The John Frost School	6804020
Ysgol Bryn Derw	6807004
Ysgol Gyfun Gwent Is Coed	6804060
Pembrokeshire County Council	
Ysgol Bro Preseli	6684064
Ysgol Caer Elen	6685500
Powys County Council	
Crickhowell High School	6664024
Llanidloes High School	6664002
Maesydderwen School	6664021
Penmaes School	6667004
Ysgol Bro Hyddgen	6665500
Ysgol Llanfyllin	6665501
Rhondda Cynon Taf County Borough Council	
Bryn Celynnog Comprehensive School	6744019
Cardinal Newman Catholic School	6744602
Maesgwyn Special School	6747006
Park Lane Special School	6747008
Pontypridd High School	6744022
Tonyrefail Community School	6745503
Tŷ Gwyn Education Centre	6741106
Y Pant School	6744096
Ysgol Garth Olwg	6745504
Ysgol Gyfun Rhydywaun	6744105

<i>School and Pupil Referral Unit Name</i>	<i>School Number and Pupil Referral Number</i>
Ysgol Hen Felin	6747011
Ysgol Llanhari	6745500
City and County of Swansea	
Bishop Gore School	6704044
Bishop Vaughan Catholic School	6704600
Bishopston Comprehensive School	6704069
Dylan Thomas Community School	6704076
Morrison Comprehensive School	6704033
Pontarddulais Comprehensive School	6704072
Ysgol Gyfun Gŵyr	6704074
Ysgol Gyfun Gymraeg Bryn Tawe	6704078
Ysgol Pen y Bryn	6707000
Vale of Glamorgan Council	
Llantwit Major School	6734060
St Richard Gwyn Catholic High School	6734612
Stanwell School	6735400
Torfaen County Borough Council	
Abersychan School	6784070
Croesyceiliog School	6784051
Crownbridge Special School	6787012
Torfaen Pupil Referral Unit	6781100
West Monmouth School	6784072

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Curriculum and Assessment (Wales) Act 2021 (“the 2021 Act”).

Article 2 of this Order makes transitional provision for pupils who have a statement of special educational needs and not an individual development plan (see article 1 for a definition of “special educational needs” and “individual development plan”).

This Order provides that the provisions listed in article 3 come into force on 14 June 2022 but only for the purpose of making regulations under sections 42 and 69 of the 2021 Act.

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

Article 4 of this Order provides that the provisions listed in that article come into force fully on 1 September 2022.

Article 5 of this Order provides that the provisions listed in that article come into force on 1 September 2022 for a child or pupil—

- (a) provided with nursery education,
- (b) in a reception year,
- (c) in years 1 to 6, and
- (d) in year 7 in those maintained schools and pupil referral units set out in the Schedule to this Order.

Article 5 of this Order provides that the provisions listed in that article come into force on 1 September 2023 for a child or pupil—

- (a) in year 7, and
- (b) in year 8.

Article 6 of this Order provides that the provisions listed in that article come into force on 1 September 2024 for a child or pupil in year 9.

Article 7 of this Order provides that the provisions listed in that article come into force on 1 September 2025 for a child or pupil in year 10.

Article 8 of this Order provides that the provisions listed in that article come into force on 1 September 2026 for a child or pupil in years 11 to 13.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

The following provisions of the Act have been brought into force by Commencement Orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Sections 1 to 5	29 September 2021	S.I. 2021/1069 (W. 252) (C. 61)
Sections 6 and 7 (partially)	29 September 2021	S.I. 2021/1069 (W. 252) (C. 61)
Section 8 (partially)	23 November 2021	S.I. 2021/1069 (W. 252) (C. 61)
Section 56(1) (partially)	11 January 2022	S.I. 2022/12 (W. 6) (C. 1)
Section 57(1) (partially)	11 January 2022	S.I. 2022/12 (W. 6) (C. 1)
Section 56 (fully)	1 September 2022	S.I.2022/12 (W. 6) (C. 1)
Section 57 (fully)	1 September 2022	S.I. 2022/12 (W. 6) (C. 1)