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WELSH STATUTORY INSTRUMENTS

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**2011 No. 829 (W.124) (C.33)**

**EDUCATION, WALES**

The Apprenticeships, Skills, Children and Learning  
Act 2009 (Commencement No. 3) (Wales) Order 2011

Made - - - - 16 March 2011

The Welsh Ministers make the following Order in exercise of the powers conferred by section 269(3) and (8) of the Apprenticeships, Skills, Children and Learning Act 2009<sup>(1)</sup>:

**Title and interpretation**

1.—(1) The title of this Order is the Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 3) (Wales) Order 2011.

(2) In this Order “the Act” (“*y Ddeddf*”) means the Apprenticeships, Skills, Children and Learning Act 2009.

**Appointed day**

2. 1 April 2011 is the appointed day for the coming into force of the following provisions so far as relating to Wales—

- (a) section 49 (persons detained in youth accommodation: application of provisions) for the purposes of —
  - (i) section 50 of the Act to the extent it is brought into force by sub-paragraph (b); and
  - (ii) section 52 of the Act;
- (b) section 50 (persons detained in youth accommodation: further provision) to the extent that it inserts the following provisions into the Education Act 1996—
  - section 562A(3);
  - section 562B(1) to (3);
  - section 562C(1) and (2);
  - section 562F(1) to (6) and (11);
  - section 562I; and
  - section 562J;

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- (c) section 51 (detention of child or young person: local education authorities to be notified);
- (d) section 52 (release from detention of child or young person with special educational needs); and
- (e) paragraphs 54 to 56 of Schedule 6.

16 March 2011

*Huw Lewis*  
Deputy Minister for Children, 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 is the third Commencement Order made by the Welsh Ministers under the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”), which brings specified provisions of the 2009 Act into force so far as relating to Wales.

Sections 48 to 52 of the 2009 Act make provision in relation to education and training for children and young people subject to detention in relevant youth accommodation.

This Order appoints 1 April 2011 as the day on which sections 49 and 50 of the 2009 Act are brought into force in part.

Section 49 of the 2009 Act reverses the effect of section 562 of the Education Act 1996 (“the 1996 Act”) for children and young people detained in relevant youth accommodation (so that functions of local authorities, the Welsh Ministers, and parents under the 1996 Act will generally apply towards such persons). Section 49 is brought into force for the purposes of the amendments to the 1996 Act contained in section 50 of the 2009 Act which are brought into force by this Order.

Section 50 of the 2009 Act inserts a number of sections into the 1996 Act. Certain of these provisions are brought into force as follows. Section 562A(3) defines a detained person for the purposes of the 1996 Act. Section 562B(1) to (3) requires a home authority (i.e. usually the local authority where a person ordinarily lives) to take steps to promote the fulfilment of a detained person’s learning potential. Section 562C(1) and (2) make provision in relation to statements of special educational needs during the time a child is detained. Section 562F(1) to (6) and (11) make provision about the sharing of education-related information relating to a detained person. Section 562I requires a local authority to have regard to Welsh Ministers’ guidance in performing their functions in relation to detained persons in youth accommodation and section 562J contains definitions.

This Order also appoints 1 April 2011 as the day on which section 51 of the 2009 Act is brought into force. Section 51 of the 2009 Act amends the Crime and Disorder Act 1998 so as to impose a duty on youth offending teams to notify certain local authorities when a person is detained in, transferred to, or released from, relevant youth accommodation.

This Order also appoints 1 April 2011 as the day on which section 52 of the 2009 Act is brought into force. Section 52 inserts a new section 312A into the 1996 Act which makes provision about statements of special educational needs on release from detention and also amends section 328(5) of the 1996 Act to require a local authority to review a statement on a child’s release from detention.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The provisions of the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”) in the table below have been brought into force in relation to Wales by Commencement Orders made before the date of this Order.

Various provisions of the 2009 Act have also been brought into force in relation to England only by the following Statutory Instruments: [S.I. 2010/303](#), [S.I. 2011/200](#).

See also section 269(1) of the 2009 Act for the provisions which came into force on 12 November 2009 (the day on which the 2009 Act was passed).

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See also section 269(2) of the 2009 Act for the provisions which came into force on 12 January 2010 (at the end of two months beginning on the date the 2009 Act was passed).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 174 (in part)	1 November 2010	<a href="#">S.I. 2010/2413 (W. 207)</a>
section 192 (in part)	1 November 2010	<a href="#">S.I. 2010/2413 (W. 207)</a>
section 205	12 January 2010 (W. 292)	<a href="#">S.I. 2009/3341</a>
section 259	1 October 2010 (W. 207)	<a href="#">S.I. 2010/2413</a>
section 266 (in part)	1 November 2010	<a href="#">S.I. 2010/2413 (W. 207)</a>
Schedule 12 (in part)	1 November 2010	<a href="#">S.I. 2010/2413 (W. 207)</a>
Schedule 14	12 January 2010 (W. 292)	<a href="#">S.I. 2009/3341</a>
Schedule 16 (in part)	1 November 2010 in part and 1 October 2010 in part	<a href="#">S.I. 2010/2413 (W. 207)</a>

The following provisions of the 2009 Act have been brought into force in relation to England and Wales by Commencement Orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
section 1	6 April 2011	<a href="#">S.I. 2011/200</a>
sections 3 to 6	6 April 2011	<a href="#">S.I. 2011/200</a>
sections 13 to 16	1 March 2011	<a href="#">S.I. 2011/200</a>
section 17	6 April 2011	<a href="#">S.I. 2011/200</a>
sections 23 to 27	30 September 2010	<a href="#">S.I. 2010/2374</a>
sections 32 to 36	6 April 2011 (in relation to England) and 1 August 2011 (in relation to Wales)	<a href="#">S.I. 2011/200</a>
section 37	6 April 2011	<a href="#">S.I. 2011/200</a>
section 38	1 March 2011	<a href="#">S.I. 2011/200</a>
section 40	6 April 2010 (in part) and 6 April 2011 (for remaining purposes)	<a href="#">S.I. 2010/303</a>
sections 41 to 44	1 April 2010	<a href="#">S.I. 2010/303</a>
sections 46 and 47	1 April 2010	<a href="#">S.I. 2010/303</a>
sections 53 and 54	1 April 2010	<a href="#">S.I. 2010/303</a>
sections 55 and 56	12 January 2010	<a href="#">S.I. 2009/3317</a>
section 57	1 April 2010	<a href="#">S.I. 2010/303</a>
section 59 (in part)	12 January 2010 and 1 April 2010	<a href="#">S.I. 2009/3317</a> and <a href="#">S.I. 2010/303</a>
sections 60 to 90	1 April 2010	<a href="#">S.I. 2010/303</a>
sections 100 to 104	1 April 2010	<a href="#">S.I. 2010/303</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
section 105	6 April 2011	S.I. 2011/200
sections 106 to 111	1 April 2010	S.I. 2010/303
section 112 (in part)	12 January 2010 and 1 April 2010	S.I. 2009/3317 and S.I. 2010/303
section 113 to 124	1 April 2010	S.I. 2010/303
section 125	12 January 2010 (in part) and 1 April 2010 (for remaining purposes)	S.I. 2009/3317 and S.I. 2010/303
section 126	12 January 2010	S.I. 2009/3317
sections 127 to 144	1 April 2010	S.I. 2010/1151
section 147	1 April 2010	S.I. 2010/1151
section 148 (in part)	1 April 2010	S.I. 2010/1151
sections 149 to 154	1 April 2010	S.I. 2010/1151
sections 156 and 157	1 April 2010	S.I. 2010/1151
sections 158 (in part)	1 April 2010	S.I. 2010/1151
section 159 (in part)	1 April 2010	S.I. 2010/1151
section 160 (in part)	1 April 2010	S.I. 2010/1151
sections 161 to 173	1 April 2010	S.I. 2010/1151
section 174 (in part)	1 April 2010	S.I. 2010/1151
sections 175 to 177	1 April 2010	S.I. 2010/1151
section 178	12 January 2010 (in part) and 1 April 2010 (for remaining purposes)	S.I. 2009/3317 and S.I. 2010/1151
section 179	1 April 2010	S.I. 2010/1151
section 180 (in part)	1 April 2010	S.I. 2010/1151
sections 181 to 191	1 April 2010	S.I. 2010/1151
Section 192 (in part)	1 April 2010	S.I. 2010/1151
section 193	12 January 2010 (in part) and 1 April 2010 (for remaining purposes)	S.I. 2009/3317 and S.I. 2010/303
section 194	26 February 2010 (in part) and 1 April 2010 (for remaining purposes)	S.I. 2010/303
section 195	12 January 2010	S.I. 2009/3317
sections 196 and 197	1 April 2010	S.I. 2010/303
section 202	12 January 2010 (in part) and 28 February 2011 (for remaining purposes)	S.I. 2009/3317 and S.I. 2010/2374

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
sections 203 and 204	12 January 2010	S.I. 2009/3317
sections 206 to 224	19 April 2010 (in part) and 1 September 2010 (in part)	S.I. 2010/303 and S.I. 2010/1151
section 225	12 January 2010 (in part) and 1 April 2010 (for remaining purposes)	S.I. 2009/3317 and S.I. 2010/303
section 226 (in part)	12 January 2010	S.I. 2009/3317
sections 227 to 241	12 January 2010	S.I. 2009/3317
sections 242 to 245	1 September 2010	S.I. 2010/303
section 249 (in part)	1 September 2010	S.I. 2010/303
sections 251 to 255	12 January 2010	S.I. 2009/3317
section 256	1 April 2010	S.I. 2010/303
sections 257 and 258	12 January 2010	S.I. 2009/3317
section 261	12 January 2010	S.I. 2009/3317
section 266	12 January 2010 (in part) and 1 April 2010	S.I. 2009/3317 S.I. 2010/303 and S.I. 2010/1151
Schedule 1	6 April 2010 (in part) and 6 April 2011 (for remaining purposes)	S.I. 2010/303
Schedule 2	12 January 2010, (in part) 1 April 2010 and 1 September 2010	S.I. 2009/3317 and S.I. 2010/303
Schedule 3 (in part)	1 April 2010	S.I. 2010/303
Schedules 4 to 7	1 April 2010	S.I. 2010/303
Schedule 8	12 January 2010 (in part) and 1 April 2010 (for remaining purposes)	S.I. 2009/3317 and 2010/303
Schedules 9 to 11	1 April 2010	S.I. 2010/1151
Schedule 12 (in part)	1 April 2010	S.I. 2010/1151
Schedule 13	12 January 2010	S.I. 2009/3317
Schedule 15	12 January 2010	S.I. 2009/3317
Schedule 16 (in part)	12 January 2010, 1 April 2010, 19 April 2010 and 1 September 2010	S.I. 2009/3317, S.I. 2010/303 and S.I. 2010/1151