



# Learning and Skills (Wales) Measure 2009

## 2009 nawm 1

### PART 4

#### MISCELLANEOUS AND SUPPLEMENTAL

#### 46 Regulations in connection with the operation of the local curriculum

- (1) If the Welsh Ministers are of the opinion mentioned in subsection (2), they may by regulations make provision, for the specified purposes of an enactment, as to the circumstances in which—
- (a) a person is, or is not, to be taken to be—
    - (i) a person for whom education is being provided at a school;
    - (ii) a pupil or registered pupil of a school or a registered parent of a registered pupil;
    - (iii) at a school;
    - (iv) attending, attending at or in attendance at a school;
    - (v) receiving education at a school;
    - (vi) studying, or intending to study at, a school;
    - (vii) a person who is admitted to or has been refused admission to a school;
    - (viii) applying for admission to a school, offering to admit a person to a school, accepting or refusing to accept an application for admission to a school or determining admissions to a school;
    - (ix) a person who has made a decision as to the school at which education is to be provided for a child;
    - (x) a person in respect of whom charges may be made in respect of admission to a maintained school.
  - (b) arrangements for the provision of education on behalf of a school are, or are not, to be taken to be admission arrangements;
  - (c) arrangements for enabling preferences to be expressed as to the school at which the person expressing the preference wishes education to be provided for himself or herself or another person do, or do not, apply;
  - (d) a person is, or is not, to be taken to be—

**Changes to legislation:** Learning and Skills (Wales) Measure 2009, PART 4 is up to date with all changes known to be in force on or before 16 February 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (i) receiving education or training at an institution within the further education sector;
  - (ii) attending, or in attendance at, such an institution;
  - (iii) a student of, or at, such an institution;
  - (iv) studying, or intending to study, at such an institution;
  - (v) applying for admission to such an institution, offering to admit a person to such an institution, accepting or refusing to accept an application for admission to such an institution, selecting a person for admission to such an institution or determining admissions to such an institution;
  - (vi) in relation to such an institution, a disabled person.
- (2) The opinion is that the provision is necessary, desirable or expedient in connection with the operation of the amendments made to the Education Act 2002 (c. 32) and the Learning and Skills Act 2000 (c. 21) by Parts 1 and 2 of this Measure.
- (3) The purposes that may be specified under subsection (1) include those of making regulations or an order under an enactment.
- (4) In this section “enactment” includes an enactment—
- (a) contained in this Measure; or
  - (b) contained in an Act of Parliament or Measure of the National Assembly for Wales passed after the passing of this Measure.

#### 47 Minor and consequential amendments

The Schedule contains minor and consequential amendments.

##### Annotations:

##### Commencement Information

- I1** S. 47 in force at 7.12.2009 for specified purposes by [S.I. 2009/3174](#), [art. 2\(1\)\(q\)](#)
- I2** S. 47 in force at 19.1.2011 in so far as not already in force by [S.I. 2011/97](#), [art. 2\(1\)\(o\)](#)

#### 48 Orders and regulations

- (1) Any power of the Welsh Ministers to make regulations or an order under this Measure is exercisable by statutory instrument.
- (2) Any such power includes power to—
- (a) make different provision for different cases;
  - (b) make provision generally or in relation to specific cases;
  - (c) make such incidental, supplementary, transitional or saving provision as the Welsh Ministers think fit.
- (3) Any statutory instrument containing regulations made under this Measure is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

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#### **49 Commencement**

- (1) Sections 46, 48, 50 and this section come into force at the end of a period of two months beginning with the day on which this Measure is approved by Her Majesty in Council.
- (2) The remaining provisions of this Measure are to come into force on such day as the Welsh Ministers may by order appoint. Different days may be appointed for different purposes.

#### **50 Short title**

This Measure may be cited as the Learning and Skills (Wales) Measure 2009.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:**

- Measure text amended by [S.I. 2010/1148 art. 3\(2\)](#)