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STATUTORY INSTRUMENTS

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**1991 No. 1657**

**EDUCATION, ENGLAND AND WALES**

**The Education (National Curriculum)  
(Exceptions) (Wales) Regulations 1991**

<i>Made</i>	- - - -	<i>17th July 1991</i>
<i>Laid before Parliament</i>		<i>22nd July 1991</i>
<i>Coming into force</i>	- -	<i>12th August 1991</i>

Whereas the Secretary of State has given notice of the proposal to make these Regulations to the Curriculum Council for Wales and to all other persons with whom consultation appeared to him desirable, in accordance with section 21(2) of the Education Reform Act 1988(1);

And whereas the Secretary of State in accordance with subsection (3) of the said section 21, duly published a draft of these Regulations and the other documents mentioned in that subsection and sent copies of them to the said Council and to each of the persons consulted by him, and allowed a period of not less than one month for the submission of evidence and representation;

And whereas that period has now expired.

Now therefore in exercise of the powers conferred upon him by sections 17 and 232(5) and (6) of the Education Reform Act 1988 the Secretary of State for Wales hereby makes the following Regulations in the terms of the said draft:—

**Citation, commencement, interpretation and extent**

**1.** —

(1) These Regulations may be cited as the Education (National Curriculum) (Exceptions) (Wales) Regulations 1991 and shall come into force on 12th August 1991.

(2) References to the third or fourth key stages are references to either of the periods set out in paragraphs (c) and (d) of section 3(3) of the Education Reform Act 1988.

**Exceptions to the provisions of the National Curriculum**

**2.** —

(1) Subject to the provisions of paragraph (2) of this regulation, the provisions of the National Curriculum relating to Welsh shall not apply to a pupil whose name is first recorded in the Admission

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(1) 1988 c. 40.

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Register kept by the school as having been admitted to the school in either the final year of the third key stage or in any of the years of the fourth key stage.

(2) The provisions of paragraph (1) of this regulation shall not apply to any pupil who has studied Welsh in a school curriculum for at least 38 weeks during the three years preceding the date on which the pupil is recorded as having been admitted to the school.

17th July 1991

*David Hunt*  
Secretary of State for Wales

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## EXPLANATORY NOTE

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

Section 10(3) of the Education Reform Act 1988 imposes on local education authorities, governing bodies and head teachers of schools the duty to teach the subjects comprising the National Curriculum including Welsh for a reasonable time during each of the key stages defined in the Act. This duty is replaced by the provisions of the attainment targets and programmes of study in a subject in the National Curriculum when these come into force by order of the Secretary of State. In respect of Welsh, the attainment targets and programmes of study come into force over a period of time by virtue of the provisions of the Education (National Curriculum) (Attainment Targets and Programmes of Study in Welsh) Order 1990. (S.I.1990/1082.)

Regulations have already been made (the Education (National Curriculum) (Exceptions) (Wales) Regulations 1990 (S.I. 1990/2187)) which disapply the provisions of section 10(3) of the 1988 Act with regard to the teaching of Welsh in a key stage in a school where Welsh has not been taught to more than half of the total number of pupils in the school in that year in either the school year 1987/88 or the school year 1988/89.

These Regulations disapply both the provisions of section 10(3) regarding the teaching of Welsh and the provisions of the Education (National Curriculum) (Attainment Targets and Programmes of Study in Welsh) Order 1990 in relation to pupils who are admitted to a school in Wales either in the final year of key stage 3 (usually at age 13) or at any time in key stage 4 (usually aged between 14 and 16) (regulation 2(1)). However such pupils are subject to the statutory provisions relating to the teaching of Welsh in the National Curriculum if within 3 years prior to their admission to a school in Wales they have previously studied Welsh in a school curriculum for at least 38 weeks which is the average length of a school year (regulation 2(2)).