
EXPLANATORY NOTE

(This note is not part of the Order)

This is the second commencement order made by the Welsh Ministers under the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) (“the 2009 Act”). The Order brings into force on 1 November 2010 paragraphs 11, 13 and 27 of Schedule 12 so far as relating to Wales (and the associated entries in Schedule 16), paragraphs 14 to 19 and 29 of Schedule 12 (and associated entries in Schedule 16), sections 174 and 192 so far as they relate to the respective paragraphs of Schedule 12; and section 266 so far as it relates to relevant entries in Schedule 16.

Schedule 12 to the 2009 Act makes minor and consequential amendments to Part 5 of the Education Act 1997 (“the 1997 Act”) and the Learning and Skills Act 2000 (c. 21) (“the 2000 Act”) in relation to Wales. Paragraph 15 of Schedule 12 substitutes section 30(1) of the 1997 Act to confer additional functions on the Welsh Ministers in relation to the recognition of awarding bodies and the accreditation of qualifications. The definition of “external qualification” contained in Part 5 of the 1997 Act is replaced with a definition of “relevant qualification”. Paragraphs 17 and 19 of Schedule 12 confer additional functions in relation to the recognition of awarding bodies. Paragraph 27 of Schedule 12 removes from the 2000 Act the requirement for courses leading to the award of qualifications for those under the age of 19 to be the subject of separate approval on the part of the Welsh Ministers.

The remaining paragraphs of Schedule 12 commenced by this Order make other minor or consequential amendments. The corresponding paragraphs of Schedule 16 make repeals and revocations.

The Order brings section 259 of the 2009 Act into force on 1 October 2010. This section amends section 76 of the Further and Higher Education Act 1992. By repealing the words “in England” from section 76(1)(b), the Privy Council is able to specify further education institutions in Wales (as well as in England) as competent to award foundation degrees.

Articles 3 to 5 of this Order make transitional provision so that those awarding bodies recognised or treated as recognised before the appointed day are deemed recognised and qualifications accredited before the appointed day are deemed subject to a requirement of accreditation and to be accredited, both under the substituted sections of the 1997 Act.