

*Status: Point in time view as at 15/06/2022. This version of this Instrument contains provisions that are prospective.*

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## WELSH STATUTORY INSTRUMENTS

# 2022 No. 679 (W. 155)

## EDUCATION, WALES

### The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Secondary Legislation) (No. 2) Regulations 2022

*Made* - - - - 15 June 2022  
*Laid before Senedd Cymru* 17 June 2022  
*Coming into force in accordance with regulation 1(2)  
and (3)*

The Welsh Ministers, in exercise of the powers conferred on them by sections 74(1) and 75(1)(b) of the Curriculum and Assessment (Wales) Act 2021(1), make the following Regulations:

PROSPECTIVE

### PART 1

#### Introduction

#### **Title and commencement**

1.—(1) The title of these Regulations is the Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Secondary Legislation) (No. 2) Regulations 2022.

(2) Part 1 comes into force on 1 September 2022.

(3) Part 2 comes into force as set out in the individual regulations.

#### **Commencement Information**

**II** Reg. 1 in force at 1.9.2022, see [reg. 1\(2\)](#)

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## Interpretation

### 2. In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996<sup>(2)</sup>;

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

“funded non-maintained nursery education” (“*addysg feithrin a gyllidir ond nas cynhelir*”) has the meaning given to it in section 80(1)(a) of the 2021 Act;

“head teacher” has the meaning given to it in section 579(1) of the 1996 Act;

“maintained nursery school” (“*ysgol feithrin a gynhelir*”) has the meaning given to it in section 79(1)(b) of the 2021 Act;

“maintained school” (“*ysgol a gynhelir*”) has the meaning given to it in section 79(1)(a) of the 2021 Act;

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

(a) in a maintained school or a maintained nursery school, or

(b) by the provider of funded non-maintained nursery education;

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

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

“relevant curriculum” (“*cwricwlwm perthnasol*”) has the meaning given to it in section 56(5) of the 2021 Act;

“setting” (“*lleoliad*”) means—

(a) a maintained school,

(b) a maintained nursery school,

(c) a provider of funded non-maintained nursery education, and

(d) a pupil referral unit;

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

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

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

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

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

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

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

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

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

<sup>(2)</sup> 1996 c. 56.

<sup>(3)</sup> Subsection (1) was amended by section 71(1), and paragraph 9 of Schedule 6 to, the Education Act 1997 and subsection (1) and (1A) were further amended by section 215(1) and paragraph 34 of Schedule 21 to the Education Act 2002 (c. 32).

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“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.

#### Commencement Information

**I2** Reg. 2 in force at 1.9.2022, see [reg. 1\(2\)](#)

## PART 2

### Consequential Amendments

#### The Education (Disapplication of the National Curriculum at Key Stage 1) (Wales) Regulations 2005

3. The Education (Disapplication of the National Curriculum at Key Stage 1) (Wales) Regulations 2005(4) are revoked on 1 September 2022.

#### Commencement Information

**I3** Reg. 3 in force at 1.9.2022, see [reg. 1\(3\)](#), 3

#### The Education (National Curriculum for Wales) (Disapplication of Science at Key Stage 4) Regulations 2006

4. The Education (National Curriculum for Wales) Disapplication of Science at Key Stage 4) Regulations 2006(5) are revoked on 1 September 2022.

#### Commencement Information

**I4** Reg. 4 in force at 1.9.2022, see [reg. 1\(3\)](#), 4

#### The Education (National Curriculum) (Modern Foreign Languages) (Wales) Order 2008

5.—(1) The Education (National Curriculum) (Modern Foreign Languages) (Wales) Order 2008(6) (“the 2008 Order”) applies as follows.

(2) On 1 September 2022, the 2008 Order does not apply to pupils in year 7 at a maintained school where the head teacher and governing body have adopted a relevant curriculum for those year 7 pupils under Part 2 of the 2021 Act.

(3) From 1 September 2023, the 2008 Order does not apply to pupils in years 7 or 8 at a maintained school.

(4) The 2008 Order is revoked on 1 September 2024.

#### Commencement Information

**I5** Reg. 5(1)(2) in force at 1.9.2022, see [reg. 1\(3\)](#), 5

(4) [S.I. 2005/1511 \(W. 115\)](#).

(5) [S.I. 2006/1335 \(W. 128\)](#).

(6) [S.I. 2008/1408 \(W. 145\)](#).

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**I6** Reg. 5(3) comes into force in accordance with reg. 1(3)

### **The Education (National Curriculum) (Attainment Targets and Programmes of Study) (Wales) Order 2008**

**6.**—(1) The Education (National Curriculum) (Attainment Targets and Programmes of Study) (Wales) Order 2008(7) (“the 2008 Order”) applies as follows.

(2) From 1 September 2022, articles 4 to 15 do not apply to pupils in years 3, 4, 5 and 6 at a maintained school.

(3) On 1 September 2022, articles 4 to 15 do not apply to pupils in year 7 at a maintained school where the head teacher and governing body have adopted a relevant curriculum for those year 7 pupils under Part 2 of the 2021 Act.

(4) From 1 September 2023, articles 4 to 15 do not apply to pupils in years 7 or 8 at a maintained school.

(5) From 1 September 2024, articles 4 to 15 do not apply to pupils in year 9 at a maintained school.

(6) From 1 September 2025, articles 6, 10, 13, 14 and 15 do not apply to pupils in year 10 at a maintained school.

(7) The following Orders are revoked on 1 September 2026—

(a) the 2008 Order; and

(b) the Education (National Curriculum) (Attainment Targets and Programmes of Study) (Wales) (Amendment) Order 2015(8).

#### **Commencement Information**

**I7** Reg. 6(1) in force at 1.9.2022, see [reg. 1\(3\)](#), 6

**I8** Reg. 6(2)(3) comes into force in accordance with reg. 1(3)

**I9** Reg. 6(4) comes into force in accordance with reg. 1(3)

**I10** Reg. 6(5) comes into force in accordance with reg. 1(3)

**I11** Reg. 6(6) comes into force in accordance with reg. 1(3)

**I12** Reg. 6(7) comes into force in accordance with reg. 1(3)

### **The Education (Disapplication of the National Curriculum for Wales at Key Stage 1) (Wales) Regulations 2008**

**7.** The Education (Disapplication of the National Curriculum for Wales at Key Stage 1) (Wales) Regulations 2008(9) are revoked on 1 September 2022.

#### **Commencement Information**

**I13** Reg. 701/09/2022 in force at 1.9.2022, see [reg. 1\(3\)](#), 7

(7) [S.I. 2008/1409 \(W. 146\)](#). There are amendments which are not relevant to these Regulations.

(8) [S.I. 2015/1601 \(W. 200\)](#).

(9) [S.I. 2008/1736 \(W. 170\)](#).

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## The Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009

8.—(1) The Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009<sup>(10)</sup> (“the 2009 Regulations”) apply as follows.

(2) From 1 September 2024, the 2009 Regulations do not apply to pupils in year 9 at a maintained school.

(3) The following Regulations are revoked on 1 September 2026—

- (a) the 2009 Regulations,
- (b) regulation 8 of the Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (Wales) Regulations 2010<sup>(11)</sup>;
- (c) the Education (Local Curriculum for Pupils in Key Stage 4) (Wales) (Amendment) Regulations 2014<sup>(12)</sup>, and
- (d) regulation 10 of the Qualifications Wales Act 2015 (Consequential Amendments) Regulations 2016<sup>(13)</sup>.

### Commencement Information

**I14** Reg. 8(1) in force at 1.9.2022, see [reg. 1\(3\)](#), 8

**I15** Reg. 8(2) comes into force in accordance with reg. 1(3)

**I16** Reg. 8(3) comes into force in accordance with reg. 1(3)

## The School Governors’ Annual Reports (Wales) Regulations 2011

9.—(1) The School Governors’ Annual Report (Wales) Regulations 2011<sup>(14)</sup> are amended as follows.

(2) On 1 September 2022—

(a) regulation 2 is amended as follows—

- (i) omit the definitions of “foundation phase”, “key stage” and “statutory assessments”,
- (ii) in the definition of “language category”, for the words “Defining schools” to “Circular 023/2007” substitute “Guidance on school categories according to Welsh-medium provision” first published by the Welsh Ministers on 16 December 2021<sup>(15)</sup>”, and
- (iii) in the appropriate places insert the following definitions—
  - ““nursery year” (“*blwyddyn meithrin*”) means the school year in which the majority of the pupils in the year group attain the age of 4;”,
  - ““year 11” (“*blwyddyn 11*”) means the school year in which the majority of pupils in the year group attain the age of 16;”, and

(b) Schedule 2 is amended as follows—

<sup>(10)</sup> S.I. 2009/3256 (W. 284) amended by S.I. 2010/1142 (W. 101), S.I. 2010/2431 (W. 209), S.I. 2014/42 (W. 4) and S.I. 2016/236 (W. 88).

<sup>(11)</sup> S.I. 2010/2431 (W. 210).

<sup>(12)</sup> S.I. 2014/42 (W. 4).

<sup>(13)</sup> S.I. 2016/236 (W. 88).

<sup>(14)</sup> S.I. 2011/1939 (W. 207) amended by S.I. 2013/437 (W. 53). There are other amendments which are not relevant to this instrument.

<sup>(15)</sup> ISBN number: 978-1-80391-326-1.

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- (i) in paragraph 11, omit “including the provision made for extra curricular sports activities during that period”, and
- (ii) in paragraph 17, for subparagraph (a) substitute—
  - “(a) the use of Welsh as the language of instruction for pupils in each year from the nursery year to year 11 and the extent to which alternative instruction in English is available;”.

#### Commencement Information

**I17** Reg. 9(1) in force at 1.9.2022, see [reg. 1\(3\)](#), 9

**I18** Reg. 9(2) comes into force in accordance with reg. 1(3)

### The School Teachers’ Qualifications (Wales) Regulations 2012

**10.**—(1) The School Teachers’ Qualifications (Wales) Regulations 2012(**16**) are amended as follows.

(2) On 1 September 2022—

(a) regulation 3 is amended as follows—

(i) in the appropriate places insert the following definitions—

““the 2021 Act” (“*Deddf 2021*”) means the Curriculum and Assessment (Wales) Act 2021(**17**);”,

““Curriculum for Wales” (“*Cwricwlwm i Gymru*”) means the curriculum adopted or provided under Part 2 or 3 of the 2021 Act;”,

““nursery year” (“*blwyddyn meithrin*”) means the school year in which the majority of the pupils in the class attain the age of 4;”,

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

(b) for paragraph 1(c)(i) of Schedule 2 substitute—

“(i) wholly or mainly in a school or other educational institution (except a pupil referral unit) in Wales—

(aa) at which the National Curriculum for Wales is, or was, taught in relation to the foundation phase, or the second, third or fourth key stages, as is appropriate to the school or institution,

(bb) where the Curriculum for Wales is taught in relation to the nursery year to year 11, or

(cc) where the period of training undertaken by the person has included both teaching under the National Curriculum for Wales and under the Curriculum for Wales;”.

#### Commencement Information

**I19** Reg. 10(1) in force at 1.9.2022, see [reg. 1\(3\)](#), 10

**I20** Reg. 10(2) comes into force in accordance with reg. 1(3)

**(16)** S.I. 2012/724 (W. 96). There are amendments to paragraph 1 of Schedule 2 which are not relevant to this instrument.

**(17)** 2021 asc 4.

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### **The National Curriculum (Educational Programmes for the Foundation Phase and Programmes of Study for the Second and Third Key Stages) (Wales) Order 2013**

11.—(1) The National Curriculum (Educational Programmes or the Foundation Phase and Programmes of Study for the Second and Third Key Stages) (Wales) Order 2013(18) (“the 2013 Order”) applies as follows.

(2) From 1 September 2022, the 2013 Order does not apply to —

(a) children and pupils—

(i) receiving nursery education in a maintained nursery school or a maintained school, or

(ii) receiving funded non-maintained nursery education,

(b) pupils in their reception year, and

(c) pupils in years 1 to 6.

(3) On 1 September 2023, the 2013 Order does not apply to pupils in year 7 at a maintained school where the head teacher and governing body have adopted a relevant curriculum for those year 7 pupils under Part 2 of the 2021 Act.

(4) From 1 September 2023, the 2013 Order does not apply to pupils in years 7 or 8 at a maintained school.

(5) The 2013 Order is revoked on 1 September 2024.

#### **Commencement Information**

**I21** Reg. 11(1) in force at 1.9.2022, see [reg. 1\(3\)](#), 11

**I22** Reg. 11(2) comes into force in accordance with reg. 1(3)

**I23** Reg. 11(3) comes into force in accordance with reg. 1(3)

**I24** Reg. 11(4) comes into force in accordance with reg. 1(3)

**I25** Reg. 11(5) comes into force in accordance with reg. 1(3)

### **National Curriculum (Amendments relating to Educational Programmes for the Foundation Phase and Programmes of Study for the Second and Third Key Stages) (Wales) Regulations 2013**

12.—(1) The National Curriculum (Amendments relating to Educational Programmes for the Foundation Phase and Programmes of Study for the Second and Third Key Stages) (Wales) Regulations 2013(19) are amended as follows.

(2) Regulation 2 is revoked on 1 September 2022.

#### **Commencement Information**

**I26** Reg. 12 in force at 1.9.2022 reg. 1(3), 12, see [reg. 1\(3\)](#)

### **The Education (National Curriculum) (Foundation Phase) (Wales) Order 2014**

13. The Education (National Curriculum) (Foundation Phase) (Wales) Order 2014(20) is revoked on 1 September 2022.

(18) S.I. 2013/434 (W. 52).

(19) S.I. 2013/437 (W. 53).

(20) S.I. 2014/1996 (W. 198) amended by S.I. 2015/1596 (W. 195).

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#### Commencement Information

**I27** Reg. 13 in force at 1.9.2022, see [reg. 1\(3\)](#), 13

### The Education (School Development Plans) (Wales) Regulations 2014

**14.—(1)** The Education (School Development Plans) (Wales) Regulations 2014(**21**) are amended as follows.

(2) On 1 September 2022—

(a) in regulation 2(1)—

(i) for the definition of “national priorities” substitute the following—

““national priorities” (“*blaenoriaethau cenedlaethol*”) are—

(a) improving pupils’ progression by ensuring their learning is supported by a range of knowledge, skills and experience;

(b) reducing the impact of poverty on pupils’ progression and attainment;”,

(ii) omit the definition of “attainment results”, and

(iii) omit the definition of “school comparative information”; and

(b) omit regulation 8.

#### Commencement Information

**I28** Reg. 14 in force at 1.9.2022, see [reg. 1\(3\)](#), 14

### The Education (Amendments Relating to Teacher Assessment Information) (Wales) Regulations 2018

**15.—(1)** The Education (Amendments Relating to Teacher Assessment Information) (Wales) Regulations 2018(**22**) are amended as follows.

(2) On 1 September 2022, omit regulation 10(a).

#### Commencement Information

**I29** Reg. 15 in force at 1.9.2022, see [reg. 1\(3\)](#), 15

15 June 2022

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

(21) S.I. 2014/2677 (W. 265) amended by S.I. 2016/236 (W. 88) and S.I. 2018/766 (W. 153).

(22) S.I. 2018/766 (W. 153). There is an amendment which is not relevant to this instrument.



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PROSPECTIVE

## EXPLANATORY NOTE

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

The Curriculum and Assessment (Wales) Act 2021 (“the 2021 Act”) establishes a new legal framework for a curriculum and makes provision about assessment for pupils and children in Wales (“the CfW”). Section 74(1) of the 2021 Act provides that the Welsh Ministers may make consequential amendments in relation to that Act in order to give it full effect. Section 75(1)(b) of the 2021 Act also provides that the Welsh Ministers may make different provision for different purposes.

The CfW will become mandatory for the year groups in schools and other settings as follows—

- (a) on 1 September 2022 for—
  - (i) pupils and children for whom nursery education is provided,
  - (ii) pupils in their reception year,
  - (iii) pupils in years 1 to 6 who are provided with a relevant curriculum in accordance with the 2021 Act, and
  - (iv) pupils in year 7 at a maintained school where the head teacher and governing body have adopted a relevant curriculum under Part 2 of the 2021 Act,
- (b) on 1 September 2023 for pupils in years 7 or 8,
- (c) on 1 September 2023 for pupils in year 8,
- (d) on 1 September 2024 for pupils in year 9,
- (e) on 1 September 2025 for pupils in year 10, and
- (f) on 1 September 2026 for pupils in year 11.

As part of the consequential amendments made by these Regulations, several statutory instruments are revoked as they are no longer required due to the new arrangements made under the 2021 Act. Some are gradually disapplied in line with the introduction of the new curriculum arrangements before being revoked, while others are revoked. The list of statutory instruments revoked by these Regulations comprises of—

- (a) the Education (Disapplication of the National Curriculum at Key Stage 1) (Wales) Regulations 2005,
- (b) the Education (National Curriculum for Wales) (Disapplication of Science at Key Stage 4) Regulations 2006,
- (c) the Education (National Curriculum) (Attainment Targets and Programmes of Study) (Wales) Order 2008,
- (d) the Education (Disapplication of the National Curriculum for Wales at Key Stage 1) (Wales) Regulations 2008,
- (e) the Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009,

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- (f) the National Curriculum (Educational Programmes for the Foundation Phase and Programmes of Study for the Second and Third Key Stages) (Wales) Order 2013,
- (g) the Education (Local Curriculum for Pupils in Key Stage 4) (Wales) (Amendment) Regulations 2014,
- (h) the Education (National Curriculum) (Foundation Phase) (Wales) Order 2014,
- (i) the Education (National Curriculum) (Attainment Targets and Programmes of Study) (Wales) (Amendment) Order 2015, and
- (j) the Education (Amendments Relating to Teacher Assessment Information) (Wales) Regulations 2018.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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