



# Education (Wales) Measure 2009

## 2009 nawm 5

### PART 2

#### MISCELLANEOUS AND GENERAL

##### *Amendments to Part 7 of the Education Act 2002*

#### **21 Foundation phase**

- (1) The Education Act 2002 (c. 32) is amended in accordance with this section.
- (2) In section 97 (interpretation of Part 7)—
  - (a) in the definition of “assessment arrangements”, for “stage”, each time it appears, substitute “phase”;
  - (b) in the definition of “desirable outcomes”, for “foundation stage” substitute “foundation phase”;
  - (c) in the definition of “the foundation stage”, for “stage” substitute “phase”.
- (3) In section 102 (including the heading), for “foundation stage”, each time those words appear, substitute “foundation phase”.
- (4) In section 103, omit subsection (1)(a).
- (5) In section 104 (including the heading), for “foundation stage”, each time those words appear, substitute “foundation phase”.
- (6) In section 105 (including in the heading), omit the word “first,” each time it appears.
- (7) In section 108—
  - (a) for “foundation stage”, each time those words appear, substitute “foundation phase”;
  - (b) in subsection (3), omit the word “first,”.
- (8) In section 110 for “foundation stage”, each time those words appear, substitute “foundation phase”.

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*Status: This is the original version (as it was originally enacted).*

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*Amendments to the Learning and Skills Act 2000*

**22 Local curriculum entitlements for students aged 16 to 18**

- (1) The Learning and Skills Act 2000 (c. 21) is amended in accordance with this section.
- (2) In section 33F(1)(a), for “ceases to be” substitute “was not at the beginning of the entitlement period, or subsequently ceases to be”.
- (3) For the definition of “academic year” in section 33N(1), substitute the following—  
 ““academic year” means the period beginning on the fourth Monday of September in any year and ending on the first day of September in the following year;”.

*General*

**23 Minor and consequential amendments**

The Schedule contains minor and consequential amendments.

**24 Orders and regulations**

- (1) Any power of the Welsh Ministers to make an order or regulations under this Measure is exercisable by statutory instrument.
- (2) Any power of the Welsh Ministers to make an order or regulations under this Measure includes power—
  - (a) to make different provision for different cases or areas;
  - (b) to make provision generally or in relation to specific cases;
  - (c) to make such incidental, supplementary, transitory, transitional or saving provision as the Welsh Ministers think fit.
- (3) Any statutory instrument containing regulations made under section 17(1) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) A statutory instrument containing an order under section 18 or 20 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

**25 Orders under section 18: procedure**

- (1) Before the Welsh Ministers make an order under section 18 they must—
  - (a) consult such persons as appear to them to be representative of interests affected by their proposals;
  - (b) have regard to the findings of their report under section 17(3).
- (2) If, following consultation under subsection (1), the Welsh Ministers propose to make an order under section 18 they must lay before the National Assembly for Wales a document including—
  - (a) an explanation of the proposals,
  - (b) a draft of the proposed order, and
  - (c) details of the consultation under subsection (1)(a).

- (3) Where a document is laid before the National Assembly for Wales under subsection (2), a draft of an order under section 18 to give effect to the proposals (with or without modification) must not be laid before the Assembly until after the expiry of the period of sixty days beginning with the day on which the document was laid.
- (4) In calculating the period mentioned in subsection (3) no account is to be taken of any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.
- (5) In preparing a draft order under section 18 the Welsh Ministers must consider any representations made during the period mentioned in subsection (3).
- (6) A draft order laid before the National Assembly for Wales in accordance with section 24(4) must be accompanied by a statement of the Welsh Ministers giving details of—
  - (a) any representations considered in accordance with subsection (5), and
  - (b) any changes made to the proposals contained in the document laid before the National Assembly for Wales under subsection (2).

## **26 Commencement**

- (1) The following provisions come into force at the end of a period of two months beginning on the day on which this Measure is approved by Her Majesty in Council—
  - section 24,
  - section 25,
  - this section,
  - section 27.
- (2) Paragraphs 10 to 12 of the Schedule come into force on the day on which this Measure is approved by Her Majesty in Council.
- (3) The remaining provisions of this Measure come into force in accordance with provision made by the Welsh Ministers by order.

## **27 Short title**

This Measure may be cited as the Education (Wales) Measure 2009.