

---

WELSH STATUTORY INSTRUMENTS

---

**2005 No. 1396 (W.110)**

**EDUCATION, WALES**

**The National Curriculum Assessment Arrangements  
(Miscellaneous Amendments) (Wales) Regulations 2005**

*Made* - - - - 24 May 2005

*Coming into force* - - 1 July 2005

The National Assembly for Wales makes the following regulations in exercise of the powers conferred on it by section 214 of the Education Act 2002<sup>(1)</sup> and in exercise of the powers conferred on the Secretary of State by sections 408, 563 and 569(4) and (5) of the Education Act 1996<sup>(2)</sup> and now vested in the National Assembly<sup>(3)</sup>, and after consulting with those persons with whom consultation appeared to be desirable pursuant to section 408(5) of the 1996 Act:

**Title, commencement and application**

1.—(1) The title of these Regulations is the National Curriculum Assessment Arrangements (Miscellaneous Amendments) (Wales) Regulations 2005 and they come into force on 1 July 2005.

(2) These Regulations apply to Wales.

**Amendment of the Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999**

2.—(1) The Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999<sup>(4)</sup> are amended as follows.

(2) In regulation 3 (1) —

- (a) in paragraph (b) of the definition of “to achieve the core subject indicator” substitute for “NC tests” the words “teacher assessments”;
- (b) in the definition of “level 5” substitute for “NC tests” the words “teacher assessments”; and
- (c) omit the definition of “NC tests”.

---

(1) 2002 c. 32. For the meaning of “regulations” see section 212(1).

(2) 1996 c. 56. Section 408 was amended by the Education Act 1997 (c. 44), Schedule 7, paragraph 30, the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraphs 57 and 106, the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraph 57 and the Education Act 2002 (c. 32), Schedule 21, paragraph 46. For the meaning of “prescribed” and “regulations” see section 579.

(3) See the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672, and section 211 of the Education Act 2002.

(4) S.I. 1999/1811 as amended by S.I. 2004/2914 (W.253).

- (3) In regulation 5 —
- (a) in paragraph (2) for “NC tests” substitute the words “teacher assessments” and for “tests are administered” substitute the words “assessments are carried out”; and
  - (b) in paragraph (3), in each of sub-paragraphs (a), (b) and (c) substitute for “NC tests to be administered” the words “teacher assessments to be carried out”.
- (4) In regulation 9(3)(b)(i) for “NC tests” substitute “teacher assessments”.

### **Amendment of the Education (School Information) (Wales) Regulations 1999**

**3.—(1)** The Education (School Information) (Wales) Regulations 1999<sup>(5)</sup> are amended as follows —

- (a) in regulation 3(1) omit the definition of “NC tests” and “NC tasks”; and
- (b) in Schedule 3 omit paragraph 20(6).

(2) The amendment made by paragraph (1)(b) is not to apply to information required to be published during the publication school year 2005-06 in relation to the reporting school year 2004-05.

### **Amendment of the Education (School Performance Information) (Wales) Regulations 2004**

**4.—(1)** The Education (School Performance Information) (Wales) Regulations 2004<sup>(6)</sup> are amended as follows.

- (2) In regulation 2(1) —
- (a) omit the definitions of “external marking agency” and “NC tests” and “NC tasks”; and
  - (b) in the definition of “relevant subjects” omit paragraphs (b) and (c).
- (3) In regulation 2(4) omit the words “any attainment of a pupil determined by an NC test or NC task during a previous school year or” and “an attainment or”.
- (4) Omit regulation 11.
- (5) In Schedule 3 omit paragraphs 4 and 5 and the headings to those paragraphs.

### **Amendment of the Education (Pupil Information) (Wales) Regulations 2004**

**5.—(1)** The Education (Pupil Information) (Wales) Regulations 2004<sup>(7)</sup> are amended as follows.

- (2) In regulation 2(1) —
- (a) omit the definition of “external marking agency” and “NC tests” and “NC tasks”; and
  - (b) in the definition of “relevant subjects” omit paragraphs (b) and (c).
- (3) In regulation 7 omit paragraphs (10)(b), (11), (12) and (13).
- (4) In Schedule 2 —
- (a) substitute for paragraph 1(1) the following —
    - “(1) The results of teacher assessment of the pupil’s subject level of attainment in each of the relevant subjects, and the results of teacher assessment of the pupil’s level of attainment in each attainment target in English or, where the pupil is following the programme of study known as “Welsh”, in each attainment target in Welsh.”;
  - (b) substitute for paragraph 2(1) the following —

---

(5) S.I. 1999/1812 as amended by S.I. 2001/111, 2001/3710, 2002/1400 and 2004/2914 (W.253).

(6) S.I. 2004/1025 (W.122) as amended by S.I. 2004/2914 (W.253).

(7) S.I. 2004/1026 (W.123) as amended by S.I. 2004/2914 (W.253).

“(1) The results of teacher assessment of the pupil’s subject level of attainment in each of the relevant subjects, and the results of teacher assessment of the pupil’s level of attainment in each attainment target in English, mathematics and science, and, where the pupil is following the programme of study known as “Welsh”, in each attainment target in Welsh.”; and

(c) substitute for paragraph 3(1) the following —

“(1) The results of teacher assessment of the pupil’s subject level of attainment in each of the relevant subjects.”.

(5) In Schedule 3 —

(a) in paragraph 1(2) insert after the words “mathematics and science,” the words “and who achieved each level of attainment in each attainment target in English or, where the pupil is following the programme of study known as “Welsh”, in each attainment target in Welsh,”;

(b) in paragraph 2(2) insert after the words “relevant subject” the words “, and who achieved each level of attainment in each attainment target in English, mathematics and science, and, where the pupil is following the programme of study known as “Welsh”, in each attainment target in Welsh”; and

(c) in paragraph 3 —

(i) in sub-paragraph (2) omit the word “both” and the words “and (where applicable) by NC tests and NC tasks”; and

(ii) omit sub-paragraphs (5) and (6).

(6) In Schedule 4 —

(a) in paragraph 1(2) insert after the words “mathematics and science,” the words “and who achieved each level of attainment in each attainment target in English or, where the pupil is following the programme of study known as “Welsh”, in each attainment target in Welsh,”;

(b) substitute for paragraph 2(2) the following —

“(2) The percentages of such pupils who achieved each level of attainment in the subjects of English, Welsh, mathematics and science, and in respect of the second key stage only, the percentages of such pupils who achieved each level of attainment in each attainment target in English, mathematics and science, and where the pupil is following the programme of study known as “Welsh”, in each attainment target in Welsh, shown as determined by teacher assessment.”; and

(c) omit paragraph 2 (5) and (6).

### **Amendment of the National Curriculum (Key Stage 2 Assessment Arrangements) (Consequential Amendments) (Wales) Regulations 2004**

**6.** Omit regulation 3(1)(a) of the National Curriculum (Key Stage 2 Assessment Arrangements) (Consequential Amendments) (Wales) Regulations 2004**(8)**.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(9)</sup>.

24 May 2005

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

---

<sup>(9)</sup> 1998 c. 38.

---

## EXPLANATORY NOTE

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

These Regulations make amendments to various regulations which are mainly consequential on the National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005. That Order specifies the assessment arrangements for pupils in the final year of the third key stage. It removes the requirement for tests to be administered to those pupils, so that their levels of attainment are determined by teacher assessments. These Regulations substitute references to these tests with references to teacher assessments and make other consequential amendments in the following Regulations — the Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999, the Education (School Information) (Wales) Regulations 1999, the Education (School Performance Information) (Wales) Regulations 2004 and the Education (Pupil Information) (Wales) Regulations 2004.

These Regulations also amend the Education (Pupil Information) (Wales) Regulations 2004 so as to specify in more detail the information on the results of teacher assessments at key stages 1, 2 and 3, which is required to be included in the annual head teacher's report to parents and adult pupils.

These Regulations also amend the National Curriculum (Key Stage 2 Assessment Arrangements) (Consequential Amendments) (Wales) Regulations 2004 so as to omit a paragraph which mistakenly purported to amend a provision that had already been revoked by the Education (School Information) (Wales) (Amendment) Regulations 2004.