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WELSH STATUTORY INSTRUMENTS

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**2018 No. 811 (W. 163)**

**EDUCATION, WALES**

**The Education (National Curriculum)  
(Assessment Arrangements for Reading and  
Numeracy) (Wales) (Amendment) Order 2018**

<i>Made</i>	- - - -	<i>3 July 2018</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>4 July 2018</i>
<i>Coming into force</i>	- -	<i>1 September 2018</i>

The Welsh Ministers in exercise of the powers conferred on the National Assembly for Wales by section 108(2)(b)(iii) and (3)(c), and section 210 of the Education Act 2002(1) and now exercisable by them make the following Order:

**Title, commencement and application**

1.—(1) The title of this Order is the Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) (Amendment) Order 2018.

(2) This Order comes into force on 1 September 2018.

(3) This Order applies to maintained schools (other than those established in hospitals) in Wales.

**Commencement Information**

11 [Art. 1](#) in force at 1.9.2018, see [art. 1\(2\)](#)

**Amendment**

2. The Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013(2) is amended as follows—

(a) in article 2(1) omit the definition of “the NFER”;

(b) in article 3 after paragraph (4) insert—

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(1) [2002 c. 32](#); section 108(2) and (3) was amended so as to omit references to the National Assembly for Wales and replace it with references to the Welsh Ministers by paragraphs 11 to 13 of the Schedule to the Learning and Skills (Wales) Measure 2009 ([nawm 1](#)).

(2) [S.I. 2013/433 \(W. 51\)](#).

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**Changes to legislation:** *The Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) (Amendment) Order 2018 is up to date with all changes known to be in force on or before 26 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- “(5) Paragraph (3) does not apply to pupils sitting the on-line version of the NRTE.”;
- (c) in article 4 after paragraph (4) insert—
- “(5) Paragraph (3) does not apply to pupils sitting the on-line version of the NRTW.”;
- (d) in article 5 after paragraph (4) insert—
- “(5) Paragraph (3) does not apply to pupils sitting the on-line version of the NNT.”; and
- (e) in articles 5(3)(b) and 6 omit “or to the NFER”.

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**Commencement Information**

**I2** [Art. 2](#) in force at 1.9.2018, see [art. 1\(2\)](#)

*Kirsty Williams*  
Cabinet Secretary for Education, one of the  
Welsh Ministers

## EXPLANATORY NOTE

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

Section 108 of the Education Act 2002 provides a power for the Welsh Ministers to prescribe by way of an Order assessment arrangements of the National Curriculum.

The Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013 (“the 2013 Order”) gives legal effect to the assessment arrangements for reading and numeracy for pupils who attend schools maintained by a local authority (other than any established in a hospital) in Wales. In particular the 2013 Order provides that the head teacher must send the results of the reading and numeracy assessments to either the National Foundation for Educational Research (“the NFER”) or the Welsh Ministers.

The NFER no longer collects the reading and numeracy assessment results. The assessment results must in future be sent only to the Welsh Ministers. Accordingly this Order amends the 2013 Order so as to remove any reference to the NFER (article 2(a) and (e)).

From the coming into force of this Order a pupil will be able to sit an on-line version of the assessments. The on-line versions of the assessments will be marked automatically by computer software and the results will automatically be submitted to the Welsh Ministers by computer software. In those cases the duty on the head teacher to mark the assessments in accordance with the NT mark scheme (defined in article 2(1) of the 2013 Order) and submit the assessment marks to the Welsh Ministers is not appropriate. Accordingly article 2(b), (c) and (d) of this Order dis-applies those duties for those pupils taking the on-line version of the tests.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. 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 this Order.

**Changes to legislation:**

The Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) (Amendment) Order 2018 is up to date with all changes known to be in force on or before 26 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- [Order revoked by S.I. 2022/517 reg. 5\(6\)\(b\)](#)