

WELSH STATUTORY INSTRUMENTS

2023 No. 37 (W. 4)

EDUCATION, WALES

The Education (School Day and School Year) (Wales) (Amendment) Regulations 2023

<i>Made</i>	- - - -	<i>16 January 2023</i>
<i>Laid before Senedd Cymru</i>		<i>18 January 2023</i>
<i>Coming into force</i>	- -	<i>10 February 2023</i>

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 551 and 569(4) and (5) of the Education Act 1996⁽¹⁾, and now vested in them⁽²⁾, make the following Regulations:

Title and commencement

1. The title of these Regulations is the Education (School Day and School Year) (Wales) (Amendment) Regulations 2023 and they come into force on 10 February 2023.

Commencement Information

II Reg. 1 in force at 10.2.2023, see [reg. 1](#)

Amendment of the Education (School Day and School Year) (Wales) Regulations 2003

2.—(1) The Education (School Day and School Year) (Wales) Regulations 2003⁽³⁾ are amended as follows.

(2) In regulation 3, in the definition of “school” omit “, or a special school not maintained by a local authority”.

(3) In regulation 4, for paragraph (8) substitute—

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- (1) [1996 c. 56](#). Section 551(1A) was inserted by paragraph 39 of Schedule 7 to the Education Act 1997 ([c. 44](#)), and section 551(2) was amended by paragraph 166 of Schedule 30 and Schedule 31 to the School Standards and Framework Act 1998 ([c. 31](#)). For the meaning of “regulations” see section 579(1).
- (2) The functions of the Secretary of State were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)) and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 ([c. 32](#)).
- (3) [S.I. 2003/3231 \(W. 311\)](#), amended by [S.I. 2006/1262 \(W. 119\)](#), [S.I. 2008/1739 \(W. 171\)](#), [S.I. 2011/149 \(W. 33\)](#), [S.I. 2012/248 \(W. 41\)](#), [S.I. 2019/1131 \(W. 196\)](#), [S.I. 2020/848 \(W. 187\)](#), [S.I. 2021/1476 \(W. 378\)](#) and [S.I. 2022/61 \(W. 23\)](#).

“(8) The reference in paragraph (2) to 380 sessions is to be taken as a reference to 376 sessions in relation to the school year 2022–2023.”

(4) For regulation 5 substitute—

“**5.**—(1) This paragraph applies to any school session falling within the school years 2022–2023, 2023–2024 and 2024–2025 which is devoted (wholly or mainly) to the provision of training (including training attended by both teaching and non-teaching staff and training conducted jointly with other schools) or preparation and planning, in relation to one or more of the following—

- (a) reducing the impact of poverty on the progression and attainment of pupils at the school;
- (b) the operation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(4) for pupils at the school;
- (c) the curriculum to be provided at the school under Part 2 of the Curriculum and Assessment (Wales) Act 2021(5).

(2) Paragraph (1) is to have effect in relation to no more than two school sessions in each school year.

(3) Where paragraph (1) applies, that session is to be regarded for the purposes of regulation 4 as a session on which the school has met.”

Commencement Information

I2 Reg. 2 in force at 10.2.2023, see [reg. 1](#)

16 January 2023

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

(4) 2018 anaw 2.
(5) 2021 asc 4.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Education (School Day and School Year) (Wales) Regulations 2003 (“the 2003 Regulations”) make provision about the length of the school day, which is ordinarily divided into two sessions with a break in the middle, and for schools to meet for at least 380 sessions during any school year.

These Regulations amend the definition of “school” in regulation 3 of the 2003 Regulations, to reflect amendments made to section 342 of the Education Act 1996⁽⁶⁾ by section 57 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018⁽⁷⁾. The 2003 Regulations will therefore apply to schools maintained by a local authority.

They amend regulation 4(8) of the 2003 Regulations to reduce the minimum number of school sessions which must be held in the 2022–2023 school year from 380 to 376. This reflects the additional bank holidays on 19 September 2022 for the State Funeral of Her Majesty Queen Elizabeth II, and 8 May 2023 to mark the occasion of the Coronation of His Majesty King Charles III.

They also amend regulation 5 of the 2003 Regulations to provide for no more than two sessions in each of the 2022–2023, 2023–2024 and 2024–2025 school years to count as sessions on which the school has met, if those sessions are devoted (wholly or mainly) to any of the matters prescribed.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Legislation and Governance Branch, Schools Effectiveness Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

⁽⁶⁾ 1996 c. 56.
⁽⁷⁾ 2018 anaw 2.

Changes to legislation:

There are currently no known outstanding effects for the The Education (School Day and School Year) (Wales) (Amendment) Regulations 2023.