

EDUCATION (WALES) MEASURE 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Miscellaneous and General

Amendments to Part 7 of the Education Act 2002

Section 21 - Foundation phase

90. This section substitutes “foundation phase” for “foundation stage” in all occurrences within the Education Act 2002. It also removes all references to the “first key stage” within that Act.

Amendments to the Learning and Skills Act 2000

Section 22 –Local curriculum entitlements for students aged 16 to 18

91. This section amends section 33(F)(1)(a) of the Learning and Skills Act 2000 to provide clarity in instances where a learner does not attend the school determined by the head teacher during key stage 4. It also amends section 33N(1) of the Learning and Skills Act 2000 to allow a head teacher to make a decision on students’ entitlement after the start of the academic year.

General

Section 23 – Minor and consequential amendments

92. This section gives effect to the Schedule which contains minor and consequential amendments.

Section 24 – Orders and regulations

93. Subsection (1) provides that any power of the Welsh Ministers to make regulations under the Measure is exercisable by statutory instrument.
94. Subsection (2) specifies that any power of the Welsh Ministers to make an order or regulations under the Measure includes a power to make different requirements for different areas, to make provision generally or for specific cases, and to make incidental, supplementary, transitory, transitional or savings provisions
95. Subsection (3) provides that regulations that allow for the rights given to a child under this Measure to be piloted are subject to the negative resolution procedure.
96. Subsection (4) requires that any order exercising the powers given to the Welsh Ministers by section 18 or 20 must be laid before and approved by resolution of the National Assembly for Wales.

Section 25 – Orders made under section 18: procedure

97. This section sets out the procedure for orders made under section 18 of the Measure. It requires the Welsh Ministers, when making an order under section 18, to consult interested persons affected by the proposals, have regard to the findings in the pilot report and consider any representation made by the National Assembly for Wales.

Section 26 - Commencement

98. This section sets out the arrangements for commencement of the Measure in relation to sections 24, 25, 26, 27 and paragraphs 10 to 12 of the Schedule. All other remaining provisions of the Measure come into force when commenced by the Welsh Ministers by order.

Section 27 – Short title

99. This section establishes the Measure's title as the 'Education (Wales) Measure 2009