
STATUTORY INSTRUMENTS

1995 No. 903

EDUCATION, ENGLAND AND WALES

WALES

The Education (School Curriculum and Assessment Authority) (Transfer of Functions) Order 1995

<i>Made</i>	- - - -	<i>22nd March 1995</i>
<i>Laid before Parliament</i>		<i>29th March 1995</i>
<i>Coming into force</i>	- -	<i>21st April 1995</i>

The Secretary of State for Wales, in exercise of the powers conferred by section 252 of the Education Act 1993(1), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Education (School Curriculum and Assessment Authority) (Transfer of Functions) Order 1995 and shall come into force on 21st April 1995.

Interpretation

In this Order—

“the 1993 Act” means the Education Act 1993;

“ACAC” means Awdurdod Cwricwlwm Ac Asesu Cymru or the Curriculum and Assessment Authority for Wales(2);

“the Authority” means the School Curriculum and Assessment Authority(3);

references to the fourth key stage shall be construed in accordance with section 3(3) to (6) of the Education Reform Act 1988(4).

(1) 1993 c. 35.

(2) The authority now known as Awdurdod Cwricwlwm Ac Asesu Cymru or the Curriculum and Assessment Authority for Wales was established by section 14(1)(b) of the Education Reform Act 1988 (c. 40) under the name of the Curriculum Council for Wales. Its present name was substituted by section 253(1) of the 1993 Act.

(3) The School Curriculum and Assessment Authority was established by section 244 of the 1993 Act.

(4) Subsections (3) and (6) of section 3 were amended respectively by paragraph 113 of Schedule 19 to, and section 240(3) of, the Education Act 1993, and section 3(5A) was inserted by section 240(2) of that Act.

Transfer of functions

3. There are hereby transferred to ACAC, in relation to Wales, all the Authority's functions under subsection (1) of section 245 of the 1993 Act as are exercisable in relation to both England and Wales insofar as those functions relate to the examination and assessment of pupils in the fourth key stage or above in subjects other than Welsh.

Supplementary, incidental and consequential provisions — transfer of staff

4.—(1) This article applies in relation to the Authority's employee Robin Bateman if he is employed under a contract of employment with the Authority immediately before the coming into force of this Order.

(2) That contract of employment shall have effect as if originally made between Robin Bateman and ACAC.

(3) Without prejudice to paragraph (2), all the Authority's rights, powers, duties and liabilities under or in connection with that contract of employment shall by virtue of that paragraph be transferred to ACAC on the day on which this order comes into force and anything done before that day by or in relation to the Authority in respect of that contract or Robin Bateman shall be deemed from that day to have been done by or in relation to ACAC.

(4) Paragraphs (2) and (3) above are without prejudice to any right of Robin Bateman to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by paragraph (2) above.

22nd March 1995

John Redwood
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

The Education (School Curriculum and Assessment Authority) (Transfer of Functions) Order 1994 (S.I.1994/645) provided for the transfer from the School Curriculum and Assessment Authority (“the Authority”) to Awdurdod Cwricwlwm Ac Asesu Cymru or the Curriculum and Assessment Authority for Wales (“ACAC”) of the functions of the Authority in relation to Wales, but with the exception, in relation to subjects other than Welsh, of the Authority’s functions relating to the examination and assessment of pupils in the fourth key stage or above. The present order provides for the transfer to ACAC, in relation to Wales, of those examination and assessment functions which were excluded from the earlier Order. The Order also provides for the transfer of the Authority’s employee Robin Bateman.