
WELSH STATUTORY INSTRUMENTS

2022 No. 652

**The Curriculum and Assessment (Wales) Act 2021
(Commencement No. 3 and Transitional Provision) Order 2022**

Title and interpretation

1.—(1) The title of this Order is the Curriculum and Assessment (Wales) Act 2021 (Commencement No. 3 and Transitional Provision) Order 2022.

(2) In this Order—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996⁽¹⁾;

“the 2018 Act” (“*Deddf 2018*”) means the Additional Learning Needs and Education Tribunal (Wales) Act 2018⁽²⁾;

“the 2021 Act” (“*Deddf 2021*”) means the Curriculum and Assessment (Wales) Act 2021;

“academic year” (“*blwyddyn academaidd*”) means the period of 12 months beginning on 1 September;

“additional learning needs” (“*anghenion dysgu ychwanegol*”) has the meaning given to it in section 2 of the 2018 Act;

“child” (“*plentyn*”) has the meaning given to it in section 579(1) of the 1996 Act;

“individual development plan” (“*cynllun datblygu unigol*”) means a plan prepared and maintained under Chapter 2 of Part 2 of the 2018 Act;

“maintained school” (“*ysgol a gynhelir*”) means a maintained school within the meaning of section 79(1)(a) and (b) of the 2021 Act;

“nursery education” (“*addysg feithrin*”) means education provided to children or pupils below compulsory school age—

(i) in a maintained school or a maintained nursery school, or

(ii) by the provider of funded non-maintained nursery education;

“provider of funded non-maintained nursery education” (“*darparwr addysg feithrin a gyllidir ond nas cynhelir*”) has the meaning given to it in section 80(2)(a) of the 2021 Act;

“pupil referral unit” (“*uned cyfeirio disgyblion*”) has the meaning given to it in section 81(1) of the 2021 Act;

“pupil” (“*disgybl*”) has the meaning given to it in section 3 of the 1996 Act⁽³⁾;

“reception year” (“*blwyddyn derbyn*”) means a year group in which the majority of the children or pupils attain the age of 5;

“setting” (“*lleoliad*”) means—

(a) a maintained school,

(1) 1996 c. 56.

(2) 2018 anaw 2.

(3) Subsection (1) was amended by section 57(1) of, and paragraph 9 of Schedule 7 to, the Education Act 1997 (c. 44) and subsection (1) and (1A) were further amended by section 215(1) of, and paragraph 34 of Schedule 21 to, the Education Act 2002 (c. 32).

- (b) a provider of funded non-maintained nursery education;
- (c) a pupil referral unit, and
- (d) the provision of teaching and learning for a child otherwise than at a pupil referral unit by virtue of arrangements made under section 19A of the 1996 Act;

“special educational needs” (“*anghenion addysgol arbennig*”) has the meaning given to it in section 312(1) of the 1996 Act⁽⁴⁾;

“special educational needs provision” (“*darpariaeth anghenion addysgol arbennig*”) has the meaning given to it in section 312(4) of the 1996 Act⁽⁵⁾;

“statement of special educational needs” (“*datganiad anghenion addysgol arbennig*”) means a statement within the meaning of section 324 of the 1996 Act⁽⁶⁾;

“year 1” (“*blwyddyn 1*”) means a year group in which the majority of children or pupils attain the age of 6;

“year 2” (“*blwyddyn 2*”) means a year group in which the majority of children or pupils attain the age of 7;

“year 3” (“*blwyddyn 3*”) means a year group in which the majority of children or pupils attain the age of 8;

“year 4” (“*blwyddyn 4*”) means a year group in which the majority of children or pupils attain the age of 9;

“year 5” (“*blwyddyn 5*”) means a year group in which the majority of children or pupils attain the age of 10;

“year 6” (“*blwyddyn 6*”) means a year group in which the majority of children or pupils attain the age of 11;

“year 7” (“*blwyddyn 7*”) means a year group in which the majority of children or pupils attain the age of 12;

“year 8” (“*blwyddyn 8*”) means a year group in which the majority of children or pupils attain the age of 13;

“year 9” (“*blwyddyn 9*”) means a year group in which the majority of children or pupils attain the age of 14;

“year 10” (“*blwyddyn 10*”) means a year group in which the majority of children or pupils attain the age of 15;

“year 11” (“*blwyddyn 11*”) means a year group in which the majority of children or pupils attain the age of 16;

“year 12” (“*blwyddyn 12*”) means a year group in which the majority of children or pupils attain the age of 17;

“year 13” (“*blwyddyn 13*”) means a year group in which the majority of children or pupils attain the age of 18;

“year group” (“*grŵp blwyddyn*”) means a group of children or pupils at a setting the majority of whom will, in a particular academic year, attain the same age.

(4) Amended by [S.I. 2010/1158](#).

(5) Amended by [S.I. 2010/1158](#).

(6) Subsection (4A) was inserted by section 9 of the Special Educational Needs and Disability Act 2001 (c. 10). Subsection (5) was amended by paragraph 77(a) of Schedule 30 to the School Standards and Framework Act 1998 (c. 31) and by paragraph 43 of Schedule 21 to the Education Act 2002 (c. 32). Subsection (5A) was inserted by paragraph 77(b) of Schedule 30 to the School Standards and Framework Act 1998. Section 324 was repealed by paragraph 4(1) and (9) of Schedule 1 to the Additional Learning Needs and Education Tribunal (Wales) Act 2018. That repeal is not yet fully in force.

Transitional provision

2. Until such time as Part 4 of the 1996 Act is repealed by the 2018 Act references in Part 2 of the 2021 Act to—

- (a) “additional learning needs provision” are treated as including “special educational provision”;
- (b) “additional learning needs” are treated as including “special educational needs”; and
- (c) “individual development plan” are treated as including a “statement of special educational needs”.

Provisions coming into force on 14 June 2022: partially

3. The following provisions of the 2021 Act come into force on 14 June 2022—

- (a) sections 42 and 43 for the purpose of making regulations under section 42, and
- (b) section 69 for the purpose of making regulations under that section.

Provisions coming into force on 1 September 2022: fully

4. The following provisions of the 2021 Act come into force on 1 September 2022—

- (a) sections 6 to 8 to the extent they are not already in force,
- (b) sections 42 and 43 to the extent they are not already in force,
- (c) sections 56 and 57 to the extent they are not already in force,
- (d) sections 63 to 67,
- (e) section 69 to the extent it is not already in force, and
- (f) sections 70 and 71.

Provisions coming into force on 1 September 2022: partially

5.—(1) The provisions of the 2021 Act in paragraph (2) come into force on 1 September 2022 for a child or pupil—

- (a) who is provided with nursery education,
- (b) in a reception year,
- (c) in years 1 to 6, and
- (d) in year 7 in those maintained schools and pupil referral units set out in the Schedule.

(2) The provisions referred to in paragraph (1) are—

- (a) sections 9 to 24(1), (2), (3) and (4),
- (b) sections 25 to 29,
- (c) sections 34 to 41,
- (d) sections 44 to 55, and
- (e) Schedule 1.

Provisions coming into force on 1 September 2023: partially

6.—(1) The provisions of the 2021 Act in paragraph (2) come into force on 1 September 2023 for a child or pupil in—

- (a) year 7 for all other settings not listed in the Schedule (Year 7 List), and

(b) year 8.

(2) The provisions referred to in paragraph (1) are—

- (a) sections 9 to 24(1), (2), (3) and (4),
- (b) sections 25 to 29,
- (c) sections 34 to 41,
- (d) sections 44 to 55, and
- (e) Schedule 1.

Provisions coming into force on 1 September 2024: partially

7. The following provisions of the 2021 Act come into force on 1 September 2024 for a child or pupil in year 9—

- (a) sections 9 to 24(1), (2), (3) and (4),
- (b) sections 25 to 29,
- (c) sections 34 to 41,
- (d) section 68,
- (e) sections 44 to 55, and
- (f) Schedule 1.

Provisions coming into force on 1 September 2025: partially

8. The following provisions of the 2021 Act come into force on 1 September 2025 for a child or pupil in year 10—

- (a) sections 9 to 41,
- (b) sections 44 to 55, and
- (c) Schedule 1.

Provisions coming into force on 1 September 2026: fully

9. The following provisions of the 2021 Act come into force on 1 September 2026 to the extent they are not already in force—

- (a) sections 9 to 41,
- (b) sections 44 to 55,
- (c) sections 58 to 62,
- (d) section 68, and
- (e) Schedule 1.

13 June 2022

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