

**EDUCATION AND LIFELONG LEARNING PORTFOLIO
SUBORDINATE LEGISLATION PROGRAMME 2004/2005.**
NEW ADDITIONS & CHANGES ARE HIGHLIGHTED IN BOLD

ELL(2) 04-04(P.1) ANNEX B

2004

NAME/ WORKING TITLE OF SI	PURPOSE/EFFECT	ANTICIPATEDPROCEDURE/ PROJECTED MONTH LEGISLATION TO BE MADE	STANDING ORDER/LE ADING DIV.
ELL-01-04 Education (Inspection and Reporting on the Provision of Youth Support Services) (Wales) Regulations 2004	To set out how Youth Support Services must respond to a report by Estyn by preparing an Action Plan within a specified number of days. The Committee was consulted on the original development of the Directions and Guidance which were subsequently discussed in Plenary. This order is the last piece of legislation as the powers have been passed for the inspections to take place from September 2004. It is therefore intended to use the Accelerated Procedure for this Order.	March 2004 Accelerated procedure	SO 22 YPT
ELL-02-04 The Schools Having a Religious Character (Wales) Order 2003	School Standards and Framework Act 1998 relates to the duty to provide religious education and collective worship in community, foundation and voluntary schools. Where a foundation or voluntary school has a religious character different requirements apply in terms of religious education, staffing, collective worship and admission arrangements to those applying to community schools and to foundation and voluntary schools without a religious character. Schools with a religious character are identified by virtue of their inclusion in an order. The Designation of Schools Having a Religious Character Order was made in 1999. This Order adds to the original list schools subsequently identified as having a religious character or new schools with such a character. Once the Assembly becomes aware that a school has	April 2004 Standard procedure	SO 22 SMD

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ELL-02-04 (cont)	a religious character, it has a statutory obligation to make an Order defining the religious character of that school.		
ELL-03-04 The Education (School Organisation Proposals)(Amendment) Regulations 2004	Regulations to amend SI 1999 no. 1671 to require consultation and the publication of proposals in order to establish nursery schools or to make specified alterations to such schools. At present only the closure of nursery schools requires statutory procedures. Also to permit the commencement of intensive Welsh language pilot projects, which would otherwise require the publication of proposals. Standard Procedure	March 2004 Standard procedure	SO 22 SMD
ELL-04-04 Education (School Inspection) (Amendment) (Wales) Regulations 2004	To amend the specified periods in which an inspection report must be completed following an inspection and the period within which an action plan must be prepared - currently prescribed in the Education (School Inspection)(Wales) Regulations 1998 - to provide a single time scale whether inspection reports and action plans are required in one language or in English and Welsh. The change will mean that inspection reports must be produced within 35 working days from the completion of an inspection in every case (compared to existing provisions which prescribe five weeks or, where it is necessary to provide a translation into Welsh or English seven weeks), and action plans must be published within 45 working days, (compared to existing provisions which prescribe 40 working days or where it is necessary to provide a Welsh or English translation 45 working days).	March 2004 Accelerated Procedure (OCG were consulted as to whether ELL-04-04 and ELL-12-04 should be one regulation. They agreed they should be two regulations. This reg. deals only with schools. ELL-12-04 deals with all post 16 education. The reason for the differing time scales is due to school inspections covering a smaller area than the inspection of all post 16 education).	SO 22 SPD

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<p>ELL-05-04 The Education (Induction Arrangements for School Teachers)(Wales) Regulations 2004</p>	<p>Regulations require amending to make induction a more flexible and accessible programme which will enable more newly qualified teachers to benefit from the support that induction provides, to address issues specific to the induction programme in Wales and to reflect the amendments to England's induction regulations to maintain the facilitation of cross border flow.</p>	<p>April 2004 Standard Procedure</p>	<p>SO 22 TLD</p>
<p>ELL-06-04 The School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004</p>	<p>Regulations which, in conjunction with the Learning and Skills Act 2000, as amended, will enable ELW^a to propose establishment, alteration or closure of VI form provision in Wales, where ELW^a believe this will lead to an improvement in educational achievement, increase participation and/ or expand available provision. It is projected that the regulations should be made in June to come into force in August, upon the commencement of the relevant provisions of the Learning Skills Act 2000, as amended.</p>	<p>June 2004 Standard Procedure</p>	<p>SO 22 LLD</p>
<p>ELL-07-04 Education (School Information) (Wales) Regulations 2004</p>	<p>To enable Schools to publish national Information in their school prospectuses. Amendment required following discontinuation of the publication of the School Performance Tables</p>	<p>April 2004 Accelerated Procedure</p>	<p>SO 22 SPD</p>
<p>ELL-08-04 Education (School Governors' Reports) (Wales) Regulations 2004</p>	<p>To enable Schools to publish national Information in their School Governors Annual Reports. Amendment required following the discontinuation of the publication of the School Performance Tables.</p>	<p>April 2004 Accelerated Procedure</p>	<p>SO 22 SPD</p>

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<p>ELL-09-04 Education (Pupil Information) (Wales) Regulations 2004</p>	<p>Will require the transfer via secure electronic means of pupil personal and assessment data when a pupil moves school via a 'Common Transfer System' . Will reduce school administrative burdens by reducing the need to re-collect pupil information (much of which is needed for the annual PLASC census) and enter it into school information management systems.</p>	<p>April 2004 Standard Procedure</p>	<p>SO 22 HE</p>
<p>ELL-10-04 Education (individual Pupil Information) (Prescribed Persons) (Wales) Regulations 2004</p>	<p>Amendments to the scope of data (the prescribed information) that can be shared and prescribed persons who may require said data. Amendments are needed to account for changes in the scope of data collected at individual pupil level and the manner in which the data is collected (i.e. moves towards electronic rather than paper collections). The Regulation will ensure that those with legitimate interests may have access to, and make appropriate use of individual pupil data.</p>	<p>Standard Procedure Regs came into force 5/03/04</p>	<p>SO 22 HE</p>
<p>ELL-11-04 Education (School Performance Information) (Wales) Regulations 2004</p>	<p>Streamlines and amends regulations covering the collection and publication of performance data. Allows electronic collection of such data at a pupil level to reduce administrative burdens and minimise duplication of effort for schools. Enables the Unique Pupil number to be blindly linked to the data for ease of accurate data matching to populate the developing National Pupil Database and better inform policy and research. They consolidate with amendments the Education (School Performance Information) (Wales) Regulations 1998 as amended, which are revoked.</p>	<p>April 2004 Standard Procedure</p>	<p>SO22 HE</p>

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<p>ELL-12-04 Education (Inspection of Education and Training) (Amendment) (Wales) Regulations 2004</p>	<p>To introduce a 6 year inspection cycle as part of the new Common Inspection Framework and amend the period in which an inspection report must be completed following an inspection and the period within which an action plan must be prepared.</p> <ol style="list-style-type: none"> 1. To amend The Inspection of Education and Training (Wales) Regulations 2001 to introduce a six year inspection cycle from September 2004, compared to the existing 5 year cycle, with regard to the extended functions of the chief Inspector of Education and Training in Wales provided for under section 75 of the Learning and Skills Act 2000. The change is required to align with the new Common Inspection Framework being introduced by Estyn from September 2004 on which there has been full consultation. 2. To amend the specified periods for the issue of inspection reports and preparation of action plans prescribed in the 2001 Regulations to provide a single time scale whether inspection reports and action plans are required in one language or in English and Welsh. The change will mean that inspection reports must be produced within 70 working days from the completion of an inspection in every case (compared to existing provisions which prescribe 55 working days or, where it is necessary to provide a translation into Welsh or English 65 working days), and action plans must be published within 50 working days in every case from the date a copy of the inspection report is received by the body concerned 	<p>March 2004 Accelerated Procedure</p> <p>(OCG were consulted as to whether ELL-04-04 and ELL-12-04 should be one regulation. They agreed they should be two regulations. This reg. deals with all post 16 education. ELL-04-04 deals only with schools. The reason for the differing time scales is due to school inspections covering a smaller area than the inspection of all post 16 education). OCG recommended that the regulation should be an accelerated procedure as it was deemed to be non controversial.</p>	<p>SO 22 SPD</p>
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ELL-12-04 (cont.) Education (Inspection of Education and Training) (Amendment) (Wales) Regulations 2004	(compared to existing provisions of 40 working days, or where it is necessary to provide a Welsh or English translation 50 working days)		
ELL-13-04 The Education(School Teachers' Qualifications) (Wales) Regulations 2004	Will replace sections of current regulations relating to qualifications, consolidate amendments made since 1999 and make some updates to take account of changes in legislation and practice.	Accelerated Procedure April/May 2004	SO 22 TLD
ELL-14-04 The Education (Specified Work and Registration (Wales) 2004	Will specify work that may be carried out in schools by qualified teachers and persons who satisfy specific requirements. Will also provide for qualified teachers carrying out specified work to be registered with General Teaching Council for Wales	Standard Procedure April/May 2004	SO 22 TLD
ELL-15-04 The General Teaching Council for Wales (Functions) (Amendment) Regulations 2004	Will amend the existing Regulations so that a teacher who has failed induction is eligible for registration with the Council during the time limit for lodging an appeal and whilst awaiting the outcome of the appeal. Will also make other minor amendments to the existing Regulations.	Accelerated Procedure April/May 2004	SO 22 TLD
ELL-16-04 The School Teachers (Consequential Amendments) Regulations 2004	Will make miscellaneous consequential changes to other legislation to take account of the changes to be made to teachers' qualifications, the work that may be carried in schools out by teachers and others, and General Teaching Council for Wales regulations.	Accelerated Procedure April/May 2004	SO 22 TLD

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<p>ELL-17-04 Education (School Lunches) (Prescribed Credits) (Amendment) (Wales) Order 2004</p>	<p>Clarifies the prescribed requirements for LEAs to provide school Lunches (whether free or paid for) for nursery children in terms of the definition of full-time attendance. Children in maintained nursery schools are, under existing regulations, only entitled to a school lunch (whether paid for or free) provided they are full time. However, the existing regulations do not specify what is meant by full time and this has led to confusion over entitlement. The new Order will clarify that children must attend both morning and afternoon sessions and be present over the lunch period on the days they normally attend in order to be entitled to a school lunch.</p>	<p>April/May 2004 Standard Procedure</p>	<p>SO22 SMD</p>
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<p>ELL-18-04 The School Budget Shares (Wales) Regulations 2004</p>	<p>An initial consultation on the replacement of the Financing of Maintained Schools Regulations 1999 with three separate sets of regulations was carried out over a 10-week period between March and June 2003. The first set of replacement regulations (The LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations came into force in December 2003.</p> <p>The Schools Budget Shares (Wales) Regulations 2004 will replace Part 3 and schedule 3 of the existing Financing of Maintained Schools Regulations 1999 and will cover the rules for allocating the Schools Budget to individual schools. As is the case with the existing regulations, the new regulations will not set an overarching funding formula. They set out the requirements that LEAs must take into account when setting their local funding formulae as well as outlining additional factors and criteria which LEAs may take into account in their formulae. In order to give authorities sufficient time to consult their schools and their schools forum on proposed changes to the funding formula the new regulations will come into force in late May/early June and will effect financial years starting on or after 1 April 2005.</p> <p>A consultation document seeking views on the content of the draft School Budget Shares (Wales) Regulations and the LEA Financial Schemes (Wales) Regulations (see entry below) will be</p>	<p>May 2004, Standard Procedure</p>	<p>SO22 SMD</p>
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<p>ELL-18-04 (cont.) The School Budget Shares (Wales) Regulations 2004</p>	<p>Issued later in March. LEA's and other stakeholders will be given eight weeks in which to comment.</p>		
<p>ELL-19-04 The Education (LEA schemes for Financing Schools (Wales) Regulations 2004</p>	<p>The Education (LEA Financial Schemes)(Wales) Regulations 2004 will replace Part 4 and schedule 5 of the existing Financing of Maintained Schools Regulations 1999 and will define the items which have to be covered in the authority's scheme for financing schools.</p> <p>The scheme sets out the financial relationship between the Authority and the maintained schools that it funds and contains requirements relating to financial management and associated issues, binding on both the Authority and on schools.</p> <p>As stated above the draft regulations will be covered by a consultation document covering both these regulations and the School Budget Shares (Wales) Regulations early in March 2004.</p>	<p>May 2004, Standard Procedure</p>	<p>SO22 SMD</p>
<p>ELL-20-04 Education (LEA/School Partnership) (Wales) Regulations 2004</p>	<p>Section 197 of the Education Act 2002 provides that the Assembly may make regulations requiring LEAs to put in place a partnership agreement with each of their maintained schools.</p> <p>The regulations will bring into effect that provision and will specify issues such as the categories of school to which the agreements will apply, what the agreements should cover , their duration etc</p>	<p>Dec 2004 Standard procedure</p>	<p>SO22 SMD</p>

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<p>ELL-21-04 Education (Revised School Governance (Wales) Regulations 2004</p>	<p>Relating to sections 19 (Constitution, Membership & procedures of Governing Body Meetings), 20 (Instruments of Government), 21 (Terms of Reference), 23 (Appointment & Dismissal of Clerks to GBs), 33 (Annual Parents Meetings) and 34 (New Schools) of the Education Act 2002. The purpose of the regulations is to put legislation in place to enable governing bodies to carry out their role and functions effectively. These regulations will replace existing regulations,</p>	<p>July 2004 Standard procedure</p>	<p>SO22 SMD</p>
<p>ELL-22-04 Education (Health Standards) (Wales) Regulations 2004</p>	<p>Re-enacts the health standards provisions of the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999. They will maintain the requirement on employers of teachers and certain other staff at maintained schools and certain further education establishments to satisfy themselves as to the health and physical and mental capacities of such staff. There will be a proposed relaxation of the restriction on individuals who have retired from teaching on health grounds to undertake non-teaching activities as a teaching assistant .</p>	<p>Accelerated Procedure September 2004</p>	<p>SO 22 TLD</p>
<p>ELL-23-04 The General Teaching Council for Wales (Functions) (Amendment) Regulations</p>	<p>Amendment will cover action to be taken by GTCW in determining suitability of a person to be a teacher (These regulations should travel with Amendment to GTCW Additional Functions Order)</p>	<p>November/December 2004 Standard Procedure.</p>	<p>SO 22 TLD</p>

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<p>ELL-24-04 The General Teaching Council for Wales (Additional Functions) (Amendment) Order 2004</p>	<p>Amendment will add to categories of people ineligible for registration with the GTCW because the Council is not satisfied as to their suitability to be a teacher</p> <p>(This Order should travel with Amendment to GTCW Functions Amendment Regulations)</p>	<p>November/December 2004 Standard Procedure.</p>	<p>SO22 TLD</p>
<p>ELL-25-04 The Education (Determination of Admission numbers) Regulations 2004</p>	<p>Arising from section 47 of the Education Act 2002, Regulations to replace current arrangements for setting and altering standard admission numbers so school admission numbers are related more closely to the capacity of the school and can be amended without statutory procedures.</p>	<p>December 2004 Standard procedure</p>	<p>SO22 SMD</p>
<p>ELL-26-04 The Education (Determination of Admission Arrangements) (Amendment) Regulations 2004</p>	<p>Arising from Schedule 4 of the Education Act 2002, Regulations to extend consultation on admission arrangements to include community and voluntary controlled schools</p>	<p>December 2004 Standard procedure</p>	<p>SO22 SMD</p>
<p>ELL-27-04 The Education (Objections to Admission Arrangements) (Amendment) Regulations 2004</p>	<p>Regulations made under S90 of the School Standards and Framework Act 1998 to give parents the right to object in specified circumstances to proposed admission numbers which do not reflect the physical capacity of a school. Currently any change in a standard admission number requires the publication of statutory proposals to which anyone may object; S47 of the Education Act 2002 will remove this requirement to publish but we wish to retain some rights for parents to be consulted on and object to restricted admission numbers.</p>	<p>December 2004 Standard procedure</p>	<p>SO22 SMD</p>

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<p>ELL-28-04 The Education (Variation of Admission Arrangements) Regulations 2004</p>	<p>Regulations to be made under S89 (8) of the School Standards and Framework Act 1998 to prescribe circumstances in which an admission authority may vary the admission arrangements which they have determined for a particular school year.</p>	<p>December 2004 Standard procedure</p>	<p>SO22 SMD</p>
<p>ELL-29-04 The Education (Admission Appeal Arrangements) Regulations 2004</p>	<p>Section 50 of the Education Act 2002 provides for arrangements for school admission appeals to be set out in Regulations rather than the SSFA Act 1998. These Regulations will re-enact existing arrangements: no changes of substance are planned.</p>	<p>December 2004 Standard procedure</p>	<p>SO22 SMD</p>
<p>ELL-30-04 New School (Admissions) Regulations 2004</p>	<p>Regulations to be made under section 72 of the School Standards and Framework Act 1998 will revise provision for the determination of the initial admission arrangements and applications for admission to new schools to incorporate changes in the Education Act 2002. Such changes include the extension of consultation on admission arrangements to include community and voluntary controlled schools and the use of admission numbers in place of standard numbers. They will revoke the New School (Admissions) (Wales) Regulations 1999.</p>	<p>December 2004 Standard procedure</p>	<p>SO22 SMD</p>
<p>ELL 31-04 Education Act 2002 (Commencement No.4 and Transitional Provisions) (Wales) Order 2004</p>	<p>Commences provisions in the Education Act 2002 which clarify definitions of primary and secondary legislation and the responsibility for admission arrangements for nursery schools. The Order will also commence powers which permit the Assembly to require Governing Bodies of primary and secondary schools to plan for pupils' transition. It includes transitional arrangements.</p>	<p>March 2004 Standard Procedure</p>	<p>SO22 HED</p>

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<p>ELL 32-04 The Education (Assisted Places) (Amendment) (Wales) Regulations 2004</p>	<p>The Education (Schools) Act 1997, provides for the progressive phasing out of the Assisted Places Scheme (APS). In addition it imposes a duty on the National Assembly to continue to remit the whole or part of the tuition fees and other incidental expenses which parents are required to meet in connection with their child's participation in the APS.</p> <p>The Assisted Places Regulations are made annually and provide for an agreed percentage uplift in the tables used to calculate the amount that parents of children continuing to hold an APS place have to contribute to tuition fees during the school year 2004/2005 having regard to their relevant income.</p>	<p>June/July (tbc by LMU but coming into force 01/10/04) Accelerated Procedure</p>	<p>SO22 PSD</p>
<p>ELL 33-04 The Education (Assisted Places) (Incidental Expenses) (Amendment) (Wales) Regulations 2004</p>	<p>The Incidental Expenses Regulations are made annually and provide for increases to the tables used to calculate parents eligibility to receive uniform grant and travel grant available under the scheme.</p> <p>The level of percentage increase will be determined by the Minister for Education and Lifelong Learning following consultation with the independent schools sector.</p>	<p>June/July (tbc by LMU but coming into force 01/10/04) Accelerated Procedure</p>	<p>SO22 PSD</p>

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<p>ELL 34-04 The Listed Bodies (Wales) Order 2004</p>	<p>The Listed Bodies (Wales) Order is updated every two years and is an administrative requirement under the Education Reform Act 1998. It provides the list of institutions that are not recognised bodies within s.214(2)(a) or (b) of the Education Reform Act 1988 but which either—</p> <p>(a) provides any course which is in preparation for a degree to be granted by such a recognised body and is approved by or on behalf of that body; or</p> <p>(b) is a constituent college, school, hall or other institution of a university which is such a recognised body</p>	<p>October 2004 Standard</p>	<p>HE</p>
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2005

NAME/ WORKING TITLE OF SI	PURPOSE/EFFECT	ANTICIPATEDPROCEDURE/ PROJECTED MONTH LEGISLATION TO BE MADE	STANDING ORDER
ELL-01-05 Education (Schools Councils) (Wales) Regulations 2004	To establish and regulate the running of Schools Councils (Section 21) Education Act 2002. We are currently considering responses to the consultation on regulations and guidance for school councils. It is not possible therefore at this point to give any detailed indication of what the regulations will contain.	January 2005 Standard procedure	SO22 SMD
ELL-02-05 Education (Federation and collaboration of Governing Bodies) (Wales) Regulations 2004	Relating to sections 24-26 of the Education Act 2002. The purpose is to allow governing bodies to federate as a single governing body; and to facilitate collaboration between schools by allowing governing bodies to work together to jointly discharge any of their functions.	April 2005 Standard procedure	SO22 SMD
ELL-03-05 Education (Interim Executive Boards) (Wales) Regulations 2004	Sections 57-59 of the Education Act 2002 provide LEAs and the Assembly with new powers to appoint a specially constituted governing body(Interim Executive Board) in a school in place of the existing governors certain circumstances. The regulations will prescribe the powers and duties of the Interim Executive Board and also of a shadow governing body in the period of transition from the Interim Executive Board back to a normally constituted governing body.	April 2005 Standard Procedure	SO 22 SMD

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ELL-04-05 Education (Control of School Premises) (Wales) Regulations 2004	Relating to section 31 of the Education Act 2002. These regulations will put legislation in place for governing bodies covering the control and occupation and use of school premises during and outside school hours. They will replace existing provisions which are in primary legislation.	April 2005 Standard procedure	SO22 SMD
ELL-05-05 Education (Staffing of Maintained Schools) (Wales) Regulations 2004	Relating to sections 35-37 of the Education Act 2002. These regulations will put legislation in place for governing bodies concerning the appointment, discipline, suspension and dismissal of head teachers, deputy head teachers, teaching and non teaching staff in schools. They will replace existing provisions which are in primary legislation.	April 2005 Standard procedure	SO22 SMD
ELL-06-05 Education (School Companies) (Wales) Regulations 2004	Relating to sections 11-12 of the Education Act 2002. These regulations will allow a governing body of a school to form a company, or participate in forming companies in order to purchase and provide services or facilities for that school and other participating schools.	April 2005 Standard procedure	SO22 SMD
ELL-07-05 Education (National Professional Qualification for Headship) (Wales) Regulations 2005	To introduce a mandatory requirement for first-time headteachers in Wales to hold the National Professional Qualification for Headship (NPQH) from September 1, 2005.	September 2005 Standard Procedure	SO 22 TLD

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<p>ELL-08-05 Adventure Activities Licensing Regulations 2004</p>	<p>The proposed regulations are a consequence of the second triennial review of the Licensing Regime carried out by DfES on behalf of England, Scotland and Wales held in 2003.</p> <p>The current regulations cover the licensing of activity centres in England, Wales and Scotland as there is a need for the regulations to apply equally in all countries to maintain an equality of standards and recognise that there is a considerable cross-border flow of people using the centres.</p> <p>The proposed regulations will implement these findings by the simple measure of separating inspection from renewal. The AALA will be able to inspect a provider's facilities at any time during the 12 months prior to licence expiry. The proposals will also raise the level of fees in line with inflation, in order to keep a balance between costs falling on licensees and their customers, and costs falling on general tax-payers who subsidise each licence through the DfES grant-in-aid to AALA.</p>	<p>May 2005</p> <p>(Under Standing Order 23 section 3, for subordinate legislation made (whether jointly or not) together with a Minister of the UK Government). This procedure provides for the draft subordinate legislation to be laid before the Assembly for approval, prior to its being laid in Parliament. Standing Order 23.9 provides that the Minister lays the draft together with a memorandum explaining its intended effect and any financial implications. On a motion proposing the approval of the draft legislation, the Assembly may approve or reject the legislation.</p>	<p>SO23 SMD</p>
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<p>ELL-08-05 (cont) Adventure Activities Licensing Regulations 2004</p>	<p>The proposed regulations revoke the existing Adventure Activities Licensing Regulations 1996. The Secretary of State may make regulations by the Activity Centres (Young Persons' Safety) Act 1995. Under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) all the functions of the Secretary of State 1996 Regulations, were transferred to the National Assembly for Wales in relation to Wales.</p> <p>The functions were subsequently delegated under section 62 of the Government of Wales Act 1998 the Minister for Education and Life Long Learning in the Welsh Assembly Government ("the Minister").</p>		<p>SO23</p> <p>SMD</p>
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