

Subordinate Legislation Committee

(SLC(3)-11-09)

SLC274

Subordinate Legislation Committee Report

Under Standing Order 15.2 the Assembly is invited to pay special attention to the following instrument.

Title: The Education (Admission Appeals Arrangements) (Wales) (Amendment) Regulations 2009

These Regulations amend the Education (Admission Appeals Arrangements) (Wales) Regulations 2005 ("the 2005 Regulations"). The 2005 Regulations prescribe matters relating to appeals brought against a decision to refuse a child admission to a school. Two amendments are being made. The first is minor which is intended to clarify the matters that should be taken into account by an appeal panel when considering appeals against decisions made on the basis of infant class size legislation. The second substitutes a new Schedule 2 in the 2005 Regulations, which makes provision for appeals in cases where decisions are made about children entering the sixth form, or receiving education after they have ceased to be of compulsory school age. The new Schedule removes reference to the Council on Tribunals which has been replaced by the Administrative Justice and Tribunals Council.

Procedure: Negative

The following points have been identified for reporting under Standing Order 15.2.

The English text consistently refers to "local authority" whilst the Welsh text (with the exception of regulation 2 (5) and (11), which refers to "awdurdod addysg lleol", which means "local education authority") refers to "awdurdod lleol". Both the specific enabling provisions cited (sections 94 and 95 of the School Standards and Framework Act 1998) and the 2005 Regulations refer consistently to "local education authority", which is therefore the term that should have been used in these Regulations. [Standing Order 15.2 (vi)].

The English text of regulation 2 (5) and (11) refers to "local authority" whilst the Welsh text of regulation 2 (5) and (11) refers to "awdurdod addysg lleol", which means "local education authority". [Standing Order 15.2 (vii)].

These Regulations come into force on 22 April 2009; it is therefore important that the above discrepancy be rectified as soon as possible.

The Government has responded as follows:-

The Government will make an amending set of regulations to address the points raised within 3 months. However, the Government does not believe that the use of the term local authority affects the understanding of the Regulations.