

SL(5)564 – The Curriculum Requirements (Amendment of paragraph 7(5) of Schedule 17 to the Coronavirus Act 2020) (Wales) Regulations 2020

Background and Purpose

These Regulations amend paragraph 7(5) of Schedule 17 to the Coronavirus Act 2020.

Paragraph 7(5) of Schedule 17 to the Coronavirus Act 2020 lists enactments that can be disapplied by the Welsh Ministers for a specified period by notice.

Regulation 2 adds section 69 of, and Schedule 19 to, the School Standards and Framework Act 1998 and sections 109, 110 and 116A to 116K of the Education Act 2002, together with orders made under section 108 of that Act, to that list.

The provisions added confer functions on local authorities, governing bodies, head teachers and others in relation to the provision of religious education, the National Curriculum for Wales and the local curriculum.

The related notice, Disapplication of Curriculum Requirements in Wales Notice 2020, was issued on 23 June 2020 and published on the Welsh Government's website. The notice also disapplies section 101(1) of the Education Act 2002, which was already listed in paragraph 7(5) of Schedule 17 to the Coronavirus Act 2020.

Procedure

Made affirmative.

These Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Regulations cease to have effect at the end of the period of 40 days (excluding recess of more than 4 days) beginning with the day on which the instrument is made unless, during that period, the Regulations are approved by the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following 2 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Standing Order 21.3 (ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd;

1. We note that no formal consultation has taken place in relation to these Regulations. The Explanatory Memorandum states that this is in light of the unprecedented situation created by the Coronavirus pandemic and the challenging timescales within which they need to be made.



It is noted that regular engagement has taken place with key representative bodies such as ADEW and local authority representatives, to help inform the policy proposals around legislative requirements that are going to be modified or disapplied. These discussions have helped to inform the provisions that are included within these regulations.

The Explanatory Memorandum also notes that there has been no regulatory impact assessment completed in relation to these Regulations as there are no associated costs or benefits. These Regulations only add areas to the list of enactments in paragraph 7(5) in respect of which the Welsh Ministers can make notices to disapply statutory requirements.

In respect of any notices that are made, the impact of these will be detailed in an integrated impact assessment.

2. We note the Minister's title is not included in the signature to the Regulations, in both the Welsh language and English language texts.

Implications arising from exiting the European Union

No implications are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

29 June 2020

