

SL(6)217 – The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Secondary Legislation) (No. 2) Regulations 2022

Background and Purpose

The Curriculum and Assessment (Wales) Act 2021 establishes a new legal framework for a curriculum and makes provision about assessment for pupils and children in Wales, the Curriculum for Wales (the “CFW”).

These Regulations have been laid as part of a suite of regulations to support the implementation of the CFW from September 2022.

These Regulations make amendments to secondary legislation required to give full effect to provisions under the 2021 Act and the implementation of the CFW from September 2022. Several instruments are revoked by these Regulations, with others being gradually disapplied, before being revoked.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

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

Merits Scrutiny

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

1. 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

There are some inconsistencies and errors in respect of the definitions included in regulation 2. The definition of “2021 Act” in the English text includes an incorrect corresponding Welsh definition. This reads “y Ddeddf” (the Act). This should instead read “Deddf 2021”. The definition of “head teacher” includes no corresponding Welsh language definition (e.g. “pennaeth”) in the English text. “Year 2” and “year 11” are not defined in, despite all other



school years from “reception year” to “year 10” being defined. It is unclear why these definitions are not included for completeness. We note that regulation 11(2)(c) refers to years 1 to 6 (which would include year 2). Year groups from reception year through to year 11 were defined, for example, in regulation 2 of The Education (Temporary Exceptions for Individual Pupils and Children) (Wales) Regulations 2022, which also forms part of this suite of regulations. As such, there appears to be an inconsistency in approach between these instruments.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

28 June 2022



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee