

Government Response: The Education (Amendments Relating to the Co-ordination of School Admission Arrangements) (Wales) Regulations 2024

Technical Scrutiny point 1:

The Welsh Government does not agree with the technical scrutiny point. Section 89C(1) of the 1998 Act provides that the Welsh Ministers may make provision about the contents of schemes under section 89B(2) (“schemes”). Section 89C(2) provides a further specific power for the Welsh Ministers to make regulations that provide that the provisions in Chapter 1 and Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 are to apply to schemes. Therefore, the power in section 89C(2) is not merely illustrative of what provision can be made under section 89C(1) (“the specific power”). It was necessary to rely on section 89C(2) of the 1998 Act as regulation 2(3) of the 2024 Regulations amended the provision in the principal the Education (Amendments Relating to the Co-ordination of School Admission Arrangements) (Wales) Regulations 2024 which applied the 2013 Act to the schemes. Relying on the specific power is more transparent to the reader.

The Explanatory Memorandum describes the full legislative background in sections 89B and 89C but is entirely consistent with the enabling powers cited in the 2024 Regulations and so refers to sections 89B(1), 89C(2) and 92 of the 1998 Act.