
WELSH STATUTORY INSTRUMENTS

2022 No. 517 (W. 124)

EDUCATION, WALES

The Education (Revocation of Assessment Arrangements in the National Curriculum and Miscellaneous Amendments) (Wales) Regulations 2022

<i>Made</i>	- - - -	<i>8 May 2022</i>
<i>Laid before Senedd Cymru</i>		<i>9 May 2022</i>
<i>Coming into force</i>	- -	<i>30 May 2022</i>

The Welsh Ministers, in exercise of the powers in sections 29(3) and (5)(1), 408(1)(2), 537(1), (4) and (7)(3), 537A(1), (2) and (3)(4) and 569(4)(5) of, and paragraph 3 of Schedule 1(6) to, the Education Act 1996(7), in section 108(2)(b)(iii) and (3)(c)(8), and in section 210(7)(9) of the Education Act 2002(10), make the following Regulations.

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- (1) 1996 c. 56. Section 29(3) was amended by paragraph 67 of Schedule 30 and Schedule 31 to the School Standards and Framework Act 1998 (c. 31). The heading of section 29 and subsections (1), (3) and (5) were amended by S.I. 2010/1158. There are other amendments to this section which are not relevant to these Regulations.
 - (2) Section 408(1) was amended by paragraph 30(a) of Schedule 7 to the Education Act 1997 (c. 44), paragraph 106(a) of Schedule 30, and Schedule 31, to the School Standards and Framework Act 1998, paragraphs 1 and 57(1) and (2) of Schedule 9 to the Learning and Skills Act 2000 (c. 21), paragraph 46(1) and (2) of Schedule 21 to the Education Act 2002 (c. 32), paragraphs 9, 11(1) and (2) of Schedule 12 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), paragraphs 5 and 7 of Schedule 8 to the Education Act 2011 (c. 21), paragraph 1(1) and (2)(a) of Schedule 4 to the Qualifications Wales Act 2015 (anaw 5) and by S.I. 2010/1158. There are other amendments to this section which are not relevant to these Regulations.
 - (3) Section 537(1) was amended by paragraph 152(a) of Schedule 30 to the School Standards and Framework Act 1998, by paragraph 9(1) and (15) of Schedule 13 to the Education Act 2011 and by S.I. 2010/1158. Subsection (4) was amended by paragraph 37 of Schedule 7 to the Education Act 1997. Subsection (7) was amended by paragraph 152(b) of Schedule 30, and Schedule 31 to the School Standards and Framework Act 1998, by paragraphs 1 and 60 of Schedule 9 to the Learning and Skills Act 2000, by paragraph 6(1) and (5) of Part 2 of Schedule 7 to the Education Act 2002 and by S.I. 2010/1158.
 - (4) Section 537A of the Education Act 1996 was inserted by section 20 of the Education Act 1997, substituted by paragraph 153 of Schedule 30 to the School Standards and Framework Act 1998 and further amended by S.I. 2010/1158 and by S.I. 2012/976.
 - (5) Section 569(4) was amended by section 8(1) and (5) of the Education (Wales) Measure 2009 (nawm 5) and by section 73 of, and paragraphs 1 and 22(b) of Schedule 2 to, the Curriculum and Assessment (Wales) Act 2021. There are other amendments which are not relevant to these Regulations. For the definitions of “prescribed” and “regulations” see section 579(1) of the Education Act 1996.
 - (6) Paragraph 3 of Schedule 1 was amended by S.I. 2010/1158.
 - (7) 1996 c. 56. The functions of the Secretary of State in the Education Act 1996 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and are now exercisable by the Welsh Ministers under section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
 - (8) The powers in section 108 were conferred on the National Assembly for Wales. Section 108(2) and (3) was amended so as to omit references to the National Assembly for Wales and replace it with references to the Welsh Ministers by paragraphs 11 to 13 of the Schedule to the Learning and Skills (Wales) Measure 2009 (nawm 1). Section 108 was repealed by paragraphs 44 and 45 of Schedule 2 to, the Curriculum and Assessment (Wales) Act 2021. That repeal is subject to the saving and transitional provision in S.I. 2022/111 (W. 39). For the definitions of “prescribed” and “regulations” see section 212(1) of the Education Act 2002.
 - (9) Section 210 was amended by paragraphs 44 and 46 of Schedule 2 to, the Curriculum and Assessment (Wales) Act 2021.
 - (10) 2002 c. 32.

The Welsh Ministers in accordance with section 408(5) of the Education Act 1996 have consulted such persons as appeared to the Welsh Ministers to be desirable.

PART 1

General

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Revocation of Assessment Arrangements in the National Curriculum and Miscellaneous Amendments) (Wales) Regulations 2022.

(2) These Regulations come into force on 30 May 2022.

(3) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996;

“the 2021 Act” (“*Deddf 2021*”) means the Curriculum and Assessment (Wales) Act 2021⁽¹¹⁾;

“class” (“*dosbarth*”) has the meaning given to it in section 82(1) of the 2021 Act;

“nursery year” (“*blwyddyn meithrin*”) means the school year in which the majority of the pupils in the class attain the age of 4;

“pupil” (“*disgybl*”) has the meaning given to it in section 3 of the 1996 Act⁽¹²⁾;

“reception year” (“*blwyddyn derbyn*”) means the school year in which the majority of the pupils in the class attain the age of 5;

“school year” (“*blwyddyn ysgol*”) has the meaning given to it in section 579(1) of the 1996 Act;

“special school” (“*ysgol arbennig*”) has the meaning given to it in section 337(2) of the 1996 Act⁽¹³⁾;

“year 1” (“*blwyddyn 1*”) means the school year in which the majority of the pupils in the class attain the age of 6;

“year 2” (“*blwyddyn 2*”) means the school year in which the majority of pupils in the class attain the age of 7;

“year 3” (“*blwyddyn 3*”) means the school year in which the majority of pupils in the class attain the age of 8;

“year 4” (“*blwyddyn 4*”) means the school year in which the majority of pupils in the class attain the age of 9;

“year 5” (“*blwyddyn 5*”) means the school year in which the majority of pupils in the class attain the age of 10;

(11) 2021 asc 4.

(12) Subsection (1) was amended by paragraph 9 of Schedule 7 to the Education Act 1997 and subsection (1) and (1A) were further amended by paragraph 34 of Schedule 21 to the Education Act 2002 (c. 32).

(13) Inserted by paragraph 4(1) and (10)(c) of Schedule 1 to the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2).

“year 6” (“*blwyddyn 6*”) means the school year in which the majority of pupils in the class attain the age of 11;

“year 7” (“*blwyddyn 7*”) means the school year in which the majority of pupils in the class attain the age of 12;

“year 8” (“*blwyddyn 8*”) means the school year in which the majority of pupils in the class attain the age of 13;

“year 9” (“*blwyddyn 9*”) means the school year in which the majority of pupils in the class attain the age of 14.

PART 2

Revocation, Disapplication and Transitional Provision

The National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004

3. The National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004⁽¹⁴⁾ is revoked.

The National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005

4.—(1) The National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005⁽¹⁵⁾ (“the 2005 Order”) does not apply to pupils in special schools from the school year 2021 to 2022.

(2) The following Orders are revoked on 1 September 2024—

- (a) the 2005 Order, and
- (b) the National Curriculum (Amendments to the Key Stage 2 and Key Stage 3 Assessment Arrangements) (Wales) Order 2011⁽¹⁶⁾.

The Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013

5.—(1) The Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013⁽¹⁷⁾ (“the 2013 Order”) is to apply subject to the transitional provisions in paragraphs (2) to (5).

(2) The transitional provisions apply to pupils—

- (a) in year 2, year 3, year 4, year 5 and year 6 from the school year 2022 to 2023,
- (b) in year 7 where the head teacher and governing body have adopted a relevant curriculum under Part 2 of the 2021 Act, from the school year 2022 to 2023,
- (c) in year 7 who on 1 September 2022, are not within sub-paragraph (b), from the school year 2023 to 2024,
- (d) in year 8 from the school year 2023 to 2024, and
- (e) in year 9 from the school year 2024 to 2025.

(3) In article 2(1) of the 2013 Order—

⁽¹⁴⁾ S.I. 2004/2915 (W. 254), amended by S.I. 2005/3239 (W. 244) and S.I. 2011/1937 (W. 206).

⁽¹⁵⁾ S.I. 2005/1394 (W. 108), amended by S.I. 2005/3239 (W.244), S.I. 2008/1899 (W. 181) and S.I. 2011/1937 (W. 206).

⁽¹⁶⁾ S.I. 2011/1937 (W. 206).

⁽¹⁷⁾ S.I. 2013/433 (W. 51), amended by S.I. 2018/811 (W. 163).

- (a) the definitions of “the NNT”, the “the NRTE” and the “the NRTW” are to be read as if the words “National Curriculum” were omitted,
- (b) the following definitions are to be treated as if they were omitted—
 - (i) “the Welsh document”,
 - (ii) “Welsh programme of study”, and
 - (iii) “Welsh second language programme of study”,
- (c) for the definition of “year 2” substitute—
 - ““year 2” (“*blwyddyn 2*”) means the school year in which the majority of pupils in the class attain the age of 7;”,
- (d) for the definition of “year 3” substitute—
 - ““year 3” (“*blwyddyn 3*”) means the school year in which the majority of pupils in the class attain the age of 8;”,
- (e) for the definition of “year 4” substitute—
 - ““year 4” (“*blwyddyn 4*”) means the school year in which the majority of pupils in the class attain the age of 9;”,
- (f) for the definition of “year 5” substitute—
 - ““year 5” (“*blwyddyn 5*”) means the school year in which the majority of pupils in the class attain the age of 10;”,
- (g) for the definition of “year 6” substitute—
 - ““year 6” (“*blwyddyn 6*”) means the school year in which the majority of pupils in the class attain the age of 11;”,
- (h) for the definition of “year 7” substitute—
 - ““year 7” (“*blwyddyn 7*”) means the school year in which the majority of pupils in the class attain the age of 12;”,
- (i) for the definition of “year 8” substitute—
 - ““year 8” (“*blwyddyn 8*”) means the school year in which the majority of pupils in the class attain the age of 13”; and
- (j) for the definition of year 9 substitute—
 - ““year 9” (“*blwyddyn 9*”) means the school year in which the majority of pupils in the class attain the age of 14.”.
- (4) For article 3(1) substitute—
 - “(1) Subject to paragraph (4), this article applies to—
 - (a) a pupil in years 4 to 9; and
 - (b) a pupil in years 2 and 3 where, in the opinion of the head teacher, the majority of that pupil’s lessons are taught through the medium of English.”
- (5) For article 4(1) substitute—
 - “(1) Subject to paragraph (4), this article applies to a pupil in years 2 to 9 where, in the opinion of the head teacher, the majority of that pupil’s lessons are taught through the medium of Welsh.”
- (6) The following Orders are revoked on 1 September 2024—
 - (a) the 2013 Order; and