WELSH STATUTORY INSTRUMENTS

2011 No. 829 (W.124) (C.33)

EDUCATION, WALES

The Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 3) (Wales) Order 2011

Made - - - - 16 March 2011

The Welsh Ministers make the following Order in exercise of the powers conferred by section 269(3) and (8) of the Apprenticeships, Skills, Children and Learning Act 2009(**1**):

Title and interpretation

1.—(1) The title of this Order is the Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 3) (Wales) Order 2011.

(2) In this Order "the Act" ("*y Ddeddf*") means the Apprenticeships, Skills, Children and Learning Act 2009.

Appointed day

2. 1 April 2011 is the appointed day for the coming into force of the following provisions so far as relating to Wales—

(a) section 49 (persons detained in youth accommodation: application of provisions) for the purposes of —

(i) section 50 of the Act to the extent it is brought into force by sub-paragraph (b); and

(ii) section 52 of the Act;

(b) section 50 (persons detained in youth accommodation: further provision) to the extent that it inserts the following provisions into the Education Act 1996—

section 562A(3);

section 562B(1) to (3);

section 562C(1) and (2);

section 562F(1) to (6) and (11);

section 562I; and

section 562J;

(**1**) 2009 c. 22.

(c) section 51 (detention of child or young person: local education authorities to be notified);

(d) section 52 (release from detention of child or young person with special educational needs); and

(e) paragraphs 54 to 56 of Schedule 6.

Huw Lewis
Deputy Minister for Children, under authority of the Minister for Children, Education and Lifelong Learning, one of the Welsh Ministers.

16 March 2011

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the third Commencement Order made by the Welsh Ministers under the Apprenticeships, Skills, Children and Learning Act 2009 ("the 2009 Act"), which brings specified provisions of the 2009 Act into force so far as relating to Wales.

Sections 48 to 52 of the 2009 Act make provision in relation to education and training for children and young people subject to detention in relevant youth accommodation.

This Order appoints 1 April 2011 as the day on which sections 49 and 50 of the 2009 Act are brought into force in part.

Section 49 of the 2009 Act reverses the effect of section 562 of the Education Act 1996 ("the 1996 Act") for children and young people detained in relevant youth accommodation (so that functions of local authorities, the Welsh Ministers, and parents under the 1996 Act will generally apply towards such persons). Section 49 is brought into force for the purposes of the amendments to the 1996 Act contained in section 50 of the 2009 Act which are brought into force by this Order.

Section 50 of the 2009 Act inserts a number of sections into the 1996 Act. Certain of these provisions are brought into force as follows. Section 562A(3) defines a detained person for the purposes of the 1996 Act. Section 562B(1) to (3) requires a home authority (i.e. usually the local authority where a person ordinarily lives) to take steps to promote the fulfilment of a detained person's learning potential. Section 562C(1) and (2) make provision in relation to statements of special educational needs during the time a child is detained. Section 562F(1) to (6) and (11) make provision about the sharing of education-related information relating to a detained person. Section 562I requires a local authority to have regard to Welsh Ministers' guidance in performing their functions in relation to detained persons in youth accommodation and section 562J contains definitions.

This Order also appoints 1 April 2011 as the day on which section 51 of the 2009 Act is brought into force. Section 51 of the 2009 Act amends the Crime and Disorder Act 1998 so as to impose a duty on youth offending teams to notify certain local authorities when a person is detained in, transferred to, or released from, relevant youth accommodation.

This Order also appoints 1 April 2011 as the day on which section 52 of the 2009 Act is brought into force. Section 52 inserts a new section 312A into the 1996 Act which makes provision about statements of special educational needs on release from detention and also amends section 328(5) of the 1996 Act to require a local authority to review a statement on a child's release from detention.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The provisions of the Apprenticeships, Skills, Children and Learning Act 2009 ("the 2009 Act") in the table below have been brought into force in relation to Wales by Commencement Orders made before the date of this Order.

Various provisions of the 2009 Act have also been brought into force in relation to England only by the following Statutory Instruments: S.I. 2010/303, S.I. 2011/200.

See also section 269(1) of the 2009 Act for the provisions which came into force on 12 November 2009 (the day on which the 2009 Act was passed).