WELSH STATUTORY INSTRUMENTS

2011 No. 107 (W.26)

EDUCATION, WALES

The Education (Local Curriculum for Students Aged 16 to 18) (Wales) Regulations 2011

Made - - - -	*20 January 2011*
Laid before the National Assembly for Wales - -	*21 January 2011*
Coming into force - -	*14 February 2011*

The Welsh Ministers in exercise of the powers conferred on them by sections 33D(3), 33E(3), 33G(3), 33I(3), and 152 of the Learning and Skills Act 2000(**1**) make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Local Curriculum for Students Aged 16 to 18) (Wales) Regulations 2011 and they come into force on 14 February 2011.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

"the 2000 Act" ("*Deddf 2000*") means the Learning and Skills Act 2000;

"institution" ("*sefydliad*") means an institution within the meaning given to it by section 33N(1) of the 2000 Act but excludes the institutions listed in Schedule 1;

"key skill qualification" ("*cymhwyster sgil allweddol*") means a qualification listed as such in the Database of Approved Qualifications in Wales(**2**) maintained and published by the Welsh Ministers from time to time;

"points" ("*pwyntiau*") means the points allocated to a course or courses of study by the Database of Approved Qualifications in Wales;

(**1**) 2000 c. 21. Section 33D was inserted by section 25 of the Learning and Skills (Wales) Measure 2009 (nawm 1). Section 33E was inserted by section 26 of the Learning and Skills (Wales) Measure 2009. Section 33G was inserted by section 28 of the Learning and Skills (Wales) Measure 2009 and section 33I was inserted by section 30 of the Learning and Skills (Wales) Measure 2009.

(**2**) The website address for the Database of Approved Qualifications in Wales is www.daqw.org.uk.

"registered pupil" ("*disgybl cofrestredig*") has the same meaning as in section 434 of the Education Act 1996(**3**);

"spring term" ("*tymor y gwanwyn*") means the second school term in the school year for the school at which the pupil is a registered pupil and which occurs in the school year immediately before the school year in which the pupil will cease to be of compulsory school age; and

"working day" ("*diwrnod gwaith*") means any day other than a Saturday, a Sunday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(**4**).

Determination of a pupil's relevant school or institution

3.—(1) A request by a registered pupil for a determination by a head teacher of the pupil's relevant school or institution under section 33D(1) of the 2000 Act must be made in writing to the head teacher within 15 working days of the start of the spring term.

(2) Subject to paragraph (3) a head teacher must make a determination under section 33D(1) of the 2000 Act of the pupil's relevant school or institution within 5 working days of receipt of the request by a registered pupil.

(3) Before making a determination under section 33D(1) of the 2000 Act a head teacher must consult–

(a) the pupil and parent of the pupil;

(b) the head teacher of any other school as he or she considers necessary;

(c) the principal of any institution as he or she considers necessary; and

(d) such other persons as the head teacher thinks fit.

(4) Any notice in writing given by the pupil to the head teacher which states that he or she does not intend to request the head teacher to make a determination under section 33D(1) is final.

Pupil's choices of local curriculum courses

4. A pupil may not elect to follow a course or a combination of courses of study within a local curriculum if the aggregate points of such a course or such combination of courses of study exceed 200 points excluding any points allotted to a course or courses of study leading to a key skill qualification or a Welsh baccalaureate qualification which a pupil has elected to follow.

Period during which a pupil's election must be made

5. A pupil must elect during the spring term to follow a course or courses of study within a local curriculum.

Head teacher's or principal's decision as to entitlement

6.—(1) Where a head teacher or principal of a student's relevant school or institution decides under section 33G(1) of the 2000 Act that a student is not entitled to follow a course or courses of study he or she must do so within whichever is the earlier of–

(a) 3 working days before the start of the entitlement period, or

(b) 3 working days before the start of the course or courses of study which the student has elected to follow under section 33E of the 2000 Act.

(**3**) 1996 c. 56.
(**4**) 1971 c. 80.