

**EDUCATION AND LIFELONG LEARNING PORTFOLIO
SUBORDINATE LEGISLATION PROGRAMME 2005/2006.**
NEW ADDITIONS & CHANGES ARE HIGHLIGHTED IN BOLD

ELLS(2) 09-06(P2)

2004

NAME/ WORKING TITLE OF SI	PURPOSE/EFFECT	ANTICIPATEDPROCEDURE/ PROJECTED MONTH LEGISLATION TO BE MADE	STANDING ORDER/LE ADING DIV.
ELL-20-04 Education (LEA/School Partnership) (Wales) Regulations 2006	Section 197 of the Education Act 2002 provides that the Assembly may make regulations requiring LEAs to put in place a partnership agreement with each of their maintained schools. The regulations will specify issues such as the categories of school to which the agreements will apply, what the agreements should cover , their duration etc	December 2006 Standard Procedure	SO24 SMD
ELL-23-04 The General Teaching Council for Wales (Functions) (Amendment) Regulations	Amendment will cover action to be taken by GTCW in determining suitability of a person to be a teacher (These regulations should travel with Amendment to GTCW (Additional Functions) (Amendment) Order – ELL 24-04	Regulations agreed in Plenary 16 May. Come into force on 31 May 2006	SO 24 TLD
ELL-24-04 The General Teaching Council for Wales (Additional Functions) (Amendment) Order	Amendment will add to categories of people ineligible for registration with the GTCW because the Council is not satisfied as to their suitability to be a teacher (This Order should travel with Amendment to GTCW (Functions) (Amendment) Regulations – ELL 23-04)	Order agreed in Plenary 16 May. Come into force on 31 May 2006	SO24 TLD

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2005

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ELL-02-05 Education (Federation and Collaboration of Governing Bodies) (Wales) Regulations 2006	Relating to sections 24-26 of the Education Act 2002. The purpose is to allow governing bodies to federate as a single governing body; and to facilitate collaboration between schools by allowing governing bodies to work together to jointly discharge any of their functions.	December 2006 Standard procedure	SO24 SMD
ELL-03-05 Education (Interim Executive Boards) (Wales) Regulations 2006	Sections 57-59 of the Education Act 2002 provide LEAs and the Assembly with new powers to appoint a specially constituted governing body(Interim Executive Board) in a school in place of the existing governors in certain circumstances. The regulations will prescribe the powers and duties of the Interim Executive Board and also of a shadow governing body in the period of transition from the Interim Executive Board back to a normally constituted governing body.	December 2006 Standard Procedure	SO 24 SMD
ELL-04-05 Education (Control of School Premises) (Wales) Regulations 2006	Relating to section 31 of the Education Act 2002. These regulations will put legislation in place for governing bodies covering the control and occupation and use of school premises during and outside school hours. They will replace existing provisions which are in primary legislation.	December 2006 Standard Procedure	SO24 SMD

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ELL-06-05 Education (School Companies) (Wales) Regulations 2006	Relating to sections 11-12 of the Education Act 2002. These regulations will allow a governing body of a school to form a company, or participate in forming companies in order to purchase and provide services or facilities for that school and other participating schools.	December 2006 Standard procedure	SO24 SMD
ELL-11-05 Education)Parenting Orders) (Wales) Regulations 2005	Relating to section 18 of the Anti Social Behaviour Act 2003. These regulations will define the provision for Welsh schools and LEAs to impose Parenting Orders on parents of pupils whose behaviour in school has led to their being excluded.	March 2006 Accelerated Procedure Target CIF May 2006	SO24 PET
ELL-13-05 Accounts of Maintained Schools and Financial Statements Regulations 2006	Relating to sections 44 and 45 of the Education Act 2002. These sections will allow requirements to be imposed as to the way maintained schools keep accounts, and report information based upon those accounts. This will provide a consistent minimum standard for school financial reporting, and enable all schools to compare their expenditure with that of similar schools.	Target December 2006 Standard Procedure	SO24 SMD
ELL-16-05 Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006	Regulations under section 22 of the Teaching and Higher Education Act 1998, making provision for grants or loans to students in connection with higher education courses; prescribing eligibility for such grants or loans; amounts available; terms of grants or loans; etc.	Came into force 1 April 2006 Standard Procedure	SO24 DSSP

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<p>ELL - 22-05 The Education (School Organisation Proposals) (Wales) Regulations 2006</p>	<p>These Regulations revoke and revise the Education (School Organisation Proposals) (Wales) Regulations 1999. References to the MOE methodology for determining school capacity and the procedure for changing standard numbers to be removed as the new capacity assessment method will be set out in statutory guidance. Requirements in relation to changes in school organisation requiring statutory proposals and the publication and provision of information will be clarified .</p>	<p>late 2006 or early 2007 Standard Procedure</p>	<p>SO 24 SMD</p>
<p>ELL- 23-05 Disability Discrimination (Prescribed Periods for Accessibility Strategies and Plans for Schools) (Wales) Regs 2006</p>	<p>Regulations to replace the Disability Discrimination (Prescribed Periods for Accessibility Strategies and Plans for Schools) (Wales) Regs 2004 to take account of the fact that once nursery schools have governing bodies they will be required to plan to increase access for disabled pupils.</p>	<p>January 2007 Standard Procedure</p>	<p>SO 24 SMD</p>
<p>ELL-36-05 The National Council for Education and Training for Wales (Transfer of functions to the National Assembly for Wales and Abolition) Order 2005</p>	<p>This order will abolish the National Council for Education and training for Wales and transfer its functions, assets and liabilities to the National Assembly for Wales with any appropriate consequential, incidental, supplemental or transitional provisions or savings</p>		<p>SO 24 HE</p>
<p>ELL-43-05 Children and Young People's Plan (Wales) Regulations 2006</p>	<p>Section 26 of the Children Act 2004 introduces a power under which the Assembly may require a Children's Services Authority (local authority) in Wales to prepare and publish a plan or a framework of plans setting out its strategy for discharging its functions in relation to children and relevant young people.</p>	<p>Target coming into force 1 January 2007 Standard Procedure</p>	<p>SO24 CSD</p>

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<p>ELL-46-05 The Civil Partnership Act 2004 (Consequential Amendments) (Wales) Order 2005</p>	<p>To amend Assembly delegated legislation that the Assembly has power to amend so as to include references to the new type of legal relationship created by the Civil Partnership Act 2004. The draft SI will be scrutinised by the Equality of Opportunity Committee. All other Standing Committees are being notified of the proposed legislation</p>		<p>EPU</p>
<p>ELL-47-05 Assembly Learning Grant (Further Education) Wales Regulations 2006</p>	<p>Regulations enabling the National Assembly to make arrangements to have the Assembly Learning Grant for Further Education students administered by the Student Loans Company.</p>	<p>June 2006 Standard Procedure</p>	<p>SO24 DSSP</p>
<p>ELL 51 –05 The General Teaching Council for Wales (Constitution) (Amendment) Regulations 2007</p>	<p>To amend the General Teaching Council for Wales (Constitution) Regulations 1999, as amended, which govern the arrangements by which members of the Council are elected and appointed.</p>	<p>March 2007</p>	<p>SO24 TLD</p>
<p>ELL-56-05 Transition from Primary to Secondary School Regulations</p>	<p>S.198 of the Education Act 2002 provides Wales-only powers for the National Assembly for Wales to require the governing bodies of maintained secondary schools and their feeder primary schools, jointly, to draw up transition plans. Such plans are intended to facilitate the transition from primary school to</p>	<p>Standard Procedure The draft relations are to be debated by the Assembly in Plenary on 28 February and to be made on that date. It is</p>	<p>SO24 SPD</p>

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	secondary school of pupils who have completed Year 6.	proposed that they will come into force on 1 September 2006	
ELL-57-05 The Education (School Day and School Year) (Wales) Regulations 2006	Regulations to be made under section 551 and 569(4) and (5) of the Education Act 1996 will provide for two additional INSET days during academic years 2006/07 and 2007/08 only.	May 2006 Accelerated procedure Target Date to come into force 1 September 2006	SO 24 SPD4
ELL-60-05 Higher Education Act (2004) (Comment No3 and Transitional Provisions) (Wales) Order 2005	To commence provisions of the Act which give the National Assembly for Wales functions relating to tuition fees set by Higher Education Institutions in Wales. The National Assembly for Wales has determined that Higher Education Institutions in Wales should have the flexibility to charge tuition fees up to a level of £3000 from the academic year 2007-08. To do so, S27 and S28 of the Higher Education Act 2004 must be commenced.	On hold pending further advice to ELLM	SO24 HED
ELL-61-05 Student Fees (Wales) Regulations 2006	The National Assembly for Wales has determined that Higher Education Institutions in Wales should have the flexibility to charge tuition fees up to a level of £3000 from the academic year 2007-08. The regulations provide that students falling into certain categories will not be required to pay the higher fee. These are students from the 2005-06 and preceding cohorts, as well as those students applying now for entry in 2006-07 but who decide to take a gap year.	On hold pending further advice to ELLM	SO24 HED
ELL-62-05 The Education (National Curriculum for Wales) (Disapplication of Science at Key Stage 4) Regulations 2005	The regulations will disapply the requirements of the National Curriculum for Wales for science in Key Stage 4 (as specified in section 106 of the Education Act 2002) in relation to a pupil, provided the pupils is pursuing a Science GCSE on the approved list of GCSE courses, but which does not meet all of the	Standard Procedure May 2006	SO 24 Q&C1 4-19

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	<p>requirements of the National Curriculum.</p> <p>This disapplication will have effect until August 2008 when revised National Curriculum requirements will be in place.</p> <p>Consultation finished on 3rd February 2006.</p>		
<p>ELL-63-05 The Education Act 2006 (Commencement No 1)(Wales) Order 2005</p>	<p>The Order will bring into force the provisions of the Education Act 2005</p>	<p>Target date for coming into force September 2006</p> <p>Accelerated Procedure</p>	<p>CSD3 SO 24</p>
<p>ELL-65-05 Children Act 2004 (Commencement No. 7) (Wales) Order 2006</p>	<p>To bring into force sections 25 and 31 in line with other provisions within the Children Act 2004 (Commencement No 6) (Wales) Order 2006 (ELL-50-05 above).</p> <p>Section 25 Imposes a duty on a Children's Services Authority in Wales to make arrangements to promote co-operation to improve the well being of children in its area. A power is provided for all specified partners to pool funds and other non-pecuniary resources.</p> <p>Section 31 places a duty on local authorities to establish Local Safeguarding Children Boards (LSCBs). This provision falls within the remit of the H&SS Committee.</p>	<p>Accelerated Procedure</p> <p>Coming into force 1 September 2006</p>	<p>SO 25(2) CSD3</p>
<p>ELL-66-05 The Education (School Inspection) (Wales) Regulations 2006</p>	<p>The Regulations support school inspection provisions in the Education Act 2005 planned to be commenced 1 September 2006. They consolidate and revoke The Education (School Inspection) (Wales) Regulations 1998 (SI No. 1866), Education (School Inspection)(Wales)(Amendment) Regulations 2004</p>	<p>Target date to Plenary 20 June 2006 and coming into force date 1 September 2006</p> <p>Consultation on Draft Regulations ended on 24 March 2006 firm support</p>	<p>SO 24</p>

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	(SI No.784 (W.81) and the Education(Registered Inspectors)(Fees) Regulations 1992 with minor amendments. The regulations also include new provisions required for the purposes of Section 50(2) of the 2005 Act - relating to the new duty on schools designated with a religious character to consult with persons prescribed before choosing an inspector to carry out an inspection of collective worship and any denominational education given to pupils.	received Standard procedure.	
ELL-67-05 The Education (Full Time Youth and Community Work Training) (Inspection) (Wales) Regulations 2005	To enable Estyn to inspect the training of full time youth and community workers within higher Education.	Standard. Procedure 10 July 2006	YAPP
ELL-68-05 Government of Further Education Corporations (Revocation) (Wales) Regulations 2006.	Revocation of initial instruments and articles of government for further education corporations [The Coleg Menai (Government) Regulations 1994 (S.I. 1994/1450), The Education (Government of Further Education Corporations) (Former Sixth Form Colleges) regulations 1992 (S.I. 1992/1957), The Education (Government of Further Education Corporations) (Former Further Education Colleges) Regulations 1992 (S.I. 1992/1963)] consequential to the modification of further education corporation Instruments and Articles by ELL-14-05.	Came into force 6 April 2006	SO24 LLD
ELL-70-05 The Inspection of the Careers and Related Services (Wales) Regulations 2006	Regulations will ensure that careers services and related services in Wales are subject to a similar system of inspection as other education and training within the Chief Inspector's remit	Regulations will come into force from 1 April 2007 following a period of consultation in July 06	TSCP

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2006

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ELL-04-06 The Anti-Social Behaviour Act 2003 (Commencement No. 5) (Wales) Order 2006	Commences Sections 19 to 22 and 24 of the Act which introduce provisions for school-related parenting contracts and parenting orders relating to exclusion and poor attendance. The new provisions are intended to provide further measure by which LEAs and schools can enhance cooperation with parents whose behaviour or attendance is poor.	Accelerated procedure Coming into force in May 2006	SO24 PSD

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<p>ELL-05-06 The Education (Pupil Referral Units) (Application of Enactments)(Wales) Regulations 2006</p>	<p>The Education Act 1996 (Section 19) requires local education authorities to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. Any school established and maintained by a local education authority which is specially organised to provide education for such children is known as a pupil referral unit (PRU).</p> <p>Schedule 1 to the Act provides for adaptations and modifications of the application of enactments to pupil referral units.</p> <p>These Regulations would ensure that a number of statutory requirements for maintained schools would also apply to PRUs.</p>	<p>Accelerated or standard October 2006</p>	<p>S24 PSD</p>
<p>ELL-06-06 Education (Fees & Awards)(Amendment)(Wales) Regulations 2006</p>	<p>Section 2 of the Education (Fees & Awards) Act 1983 was devolved in 1999 and deals with discretionary awards powers. The EU Directive 2004/38/EC requires member states to make changes covering eligibility criteria on those who can be assessed as having a 'connection to the UK'.. The existing 1997 Regulations need to be amended to bring these in line with the EU requirements.</p>	<p>Standard Procedure. Regulations predicated on DfES legislation. Timetable to be confirmed</p>	<p>SO24 SFD</p>

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<p>ELL-07-06 Assembly Learning Grants and Loans (Higher Education) (Wales)(Amendment) Regulations 2006</p>	<p>To amend <u>Welsh Regs No 126</u> Schedule 1- to cover wider eligibility criteria under the EU Directive 2004/58/RC and well as dealing with technical in-year amendments.</p>	<p>Standard Procedure Regulations predicated on DfES legislation. Timetable to be confirmed</p>	<p>SO24 SFD</p>
<p>ELL-08-06 Supply of Student Support Information to Governing Bodies (Wales) Regulations 2006</p>	<p>To enable SLC and HEIs to exchange student details to facilitate the payment of bursaries. Powers provided by section 45 of the Higher Education Act 2004</p> <p>This change will reduce the bureaucracy for eligible students and HEIs by allowing them to use student data already held in the student support system to assess and pay bursaries.</p>	<p>Standard Procedure. To be in force by 31 March 2007.</p>	<p>SO24 SFD</p>
<p>ELL-09-06 Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007</p>	<p>To put in place the student support regime for the 2007/08 academic year.</p>	<p>Standard procedure To be in force for 1 March 2007</p>	<p>SO24 SFD</p>
<p>ELL-12-06 The Higher Education Act 2004 (Commencement No.2 and Transitional Provision)(Wales)(Amendment) Order 2006</p>	<p>To bring forward the commencement date of the transfer of student support policy to Wales, by amending the original commencement SI 2005 No 1883 (W.149). Moving the date forward from the 1st September 2006 will allow the Assembly to transfer functions under section 23 of the 1998 Higher Education Act to the LEAs and the SLC, enabling them to fulfil their roles in the delivery of the student support system in AY 2006/07.</p>	<p>Standard procedure. Timetable to be confirmed.</p>	<p>SO24 SFD</p>

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<p>ELL-13-06 The Education (Student Support)(European Institutions)(Wales) Regulations 2006</p>	<p>Regulations required for the Assembly to provide support to Welsh students attending 3 European institutions – the Bologna Center, the College of Europe and the European University Institute. The regulations will set out the eligibility criteria and also implement the provisions of the EU Directive 2004/38/EC on the movement of citizens.</p>	<p>Standard procedure. Timetable to be confirmed.</p>	<p>SO24 SFD</p>
<p>ELL-14-06 Adventure Activities (Licencing) (Designation) Order 2006</p>	<p>The Designation Order will designate the Health and Safety Executive (HSE) as the Adventure Activities Licencing Authority (AALA) in relation to Wales in place of the current AALA, Tourism Quality Services Ltd. The DO will be made jointly with DfES Ministers for England and Scotland. The purpose is to achieve merger of the AALA with the HSE in line with the recommendation of HM Treasury’s Hampton regulatory reform review which considered how to reduce administrative burdens on business.</p>	<p>Standard procedure. Timetable to be confirmed. Target coming into force date 1/10/06</p>	<p>SO25, Section 3 SMD</p>

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Please note there is 1 SO26 and 9 SO 29's. (See below)

Standing Orders 26, 28 and 29

NAME/ WORKING TITLE OF SI	PURPOSE/EFFECT	ANTICIPATEDPROCEDURE / PROJECTED MONTH LEGISLATION TO BE MADE	STANDIN G ORDER
ELL-09-05 Standards for Qualified Teacher Status	This will be a replacement for the Qualified Teacher Status (QTS) provisions in Welsh Office Circular 13/98. Under the Education (School Teachers' Qualifications) (Wales) Regulations 2004, the Assembly may specify the standards required of persons who seek to become qualified teachers. The replacement for the QTS provisions in Welsh Office Circular 13/98 will update legislative, technical and other references and will take account of the General Teaching Council for Wales' Professional Code for Teachers in Wales. The aim will be the production of clearer professional standards for QTS, more straightforwardly laid out.	July 2006 Standard Procedure	SO29 TLD
ELL-14-05 The Further Education Corporations (Wales) (Modification of Instruments and Articles of Government) Order 2005	Publication of a standard set of Instruments and Articles of Government for all Welsh FE Corporations. This will aid transparency in governance and consolidate previous modifications and updates to take account of recent legislative changes. The "Coming Into Force" date has been deferred until April 2006 to take the merger of the National Assembly for Wales and ELWa into account.	Came into force 6 April 2006 Standard Procedure	SO29 LLD

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<p>ELL-19-05 Criteria that initial teacher training (ITT) institutions must meet if they are to be accredited as ITT providers by the Higher Education Funding Council for Wales</p>	<p>This will be a replacement in part for the Requirements for the Provision of Courses of ITT in Welsh Office Circular 13/98. Under the Education (School Teachers' Qualifications) (Wales) Regulations 2004, the Assembly may specify the criteria that initial teacher training (ITT) institutions must meet if they are to be accredited as ITT providers by the Higher Education Funding Council for Wales. These criteria can include requirements for the provision of courses of ITT. The replacement for the Requirements for the Provision of Courses of ITT in Welsh Office Circular 13/98 will update legislative, technical and other references and allow ITT providers greater freedom in the design and delivery of training provision, within stated boundaries. The aim will be the production of clearer requirements for ITT courses.</p>	<p>July 2006 Standard Procedure</p>	<p>SO29 TLD</p>
<p>ELL-69-05 Requirement for the production of a Transition Plan to facilitate the transition of pupils from primary school to secondary school.</p>	<p>The requirement will set out the circumstances in which a secondary school and its feeder primaries will be required to produce a Transition Plan to meet the terms of s198 of the Education Act, 2002. The requirement will come into force alongside ELL-56-05- Transition from Primary to Secondary School Regulations which set out the ground to be covered in a Transition Plan and the timescale for the production and revision of such plans.</p>	<p>Standard Procedure The Requirement is to be debated by the Assembly in Plenary on 28 February and to be made on that date. It is scheduled to come into force on 1 September 2006.</p>	<p>SO 29 SPD</p>
<p>ELL-02-06 Assembly Learning Grant – Higher Education (Continuing Students) and Further Education – Schemes 2006/07 (Non statutory instrument)</p>	<p>To formalise the annual scheme providing additional financial support to eligible HE students who began their courses before student support was devolved. and Further Education students.</p>	<p>May 2006 Standard Procedure</p>	<p>SO29 SFD</p>

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<p>ELL-03-06 The Education Maintenance Allowance - Wales scheme 2006/07 (Non statutory instrument)</p>	<p>To formalise the annual scheme providing financial support and incentives to eligible FE students aged 16 - 18. This is the third year of a three year roll-out of the EMA scheme.</p>	<p>May 2006 Standard Procedure.</p>	<p>SO 29 SFD</p>
<p>ELL-01-06 Regulatory Reform (Local Authorities) (England and Wales) Order 2006</p>	<p>To amend paragraph 6 of Schedule 1 to the Education Act 1996 to remove the requirement on local education authorities to seek the Secretary of State's or the National Assembly for Wales' approval with regard to their arrangements for the consideration and disposal of any complaint that the LEA, or teacher in charge of the Pupil Referral Unit, have acted unreasonably with respect to certain functions or have failed to discharge their duty to provide a balanced and broadly based curriculum at a Pupil Referral Unit. No requests have been received by the National Assembly for Wales in recent years.</p>	<p>May 2006</p>	<p>SO 26 PSD</p>
<p>ELL-10-06 Merthyr Tydfil Further Education Corporation (Dissolution) Order 2006</p>	<p>To dissolve Merthyr Tydfil Further Education Corporation and transfer its property, rights and liabilities to the University of Glamorgan, thus effecting the merger of the two bodies.</p>	<p>18 May 2006 Standard procedure</p>	<p>S028 SQG</p>

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<p>ELL-11-06 Approval of Qualifications under Section 99 of Learning and Skills Act 2000</p>	<p>The Approval of Qualifications is updated termly. Unless an external qualification is approved, courses leading to it cannot be provided for learners under 19 year old by or on behalf of a maintained school, or funded by the National Assembly for Wales and LEAs.</p> <p>For learners over 19, the National Assembly for Wales can provide funding for courses leading to external qualifications. Funding for the external qualification itself can only be provided if the external qualification has been approved.</p>	<p>June 2006</p>	<p>SO 29 Q&C 14-19</p>
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