

**EDUCATION AND LIFELONG LEARNING PORTFOLIO  
SUBORDINATE LEGISLATION PROGRAMME 2005/2006.**

NEW ADDITIONS & CHANGES ARE HIGHLIGHTED IN BOLD

**ELLS(2)-14-06(p5)**

**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	Feb 2007 Standard Procedure	SO24  SMD

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2005

NAME/ WORKING TITLE OF SI	PURPOSE/EFFECT	ANTICIPATEDPROCEDURE / PROJECTED MONTH LEGISLATION TO BE MADE	STANDIN G ORDER
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.	Summer 2007 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  PID
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.	Late 2007 Standard Procedure	SO24  SMD

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<p>ELL-06-05 Education (School Companies) (Wales) Regulations 2006</p>	<p>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.</p>	<p>Late 2007 Standard Procedure</p>	<p>SO24 SMD</p>
<p>ELL-13-05 Accounts of Maintained Schools and Financial Statements Regulations 2006</p>	<p>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.</p>	<p>Target December 2007 Standard Procedure</p>	<p>SO24 SMD</p>
<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 <b>now nursery schools have governing bodies they are required to plan to increase access for disabled pupils</b></p>	<p>January 2007 Standard Procedure</p>	<p>SO 24 SMD</p>

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<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>
<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 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 Standard Procedure</p>	<p>SO24 PID</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</p>	<p>Plenary on 28 February and to be made on that date. It is proposed that they will come into force on 1 September</p>	

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	draw up transition plans. Such plans are intended to facilitate the transition from primary school to secondary school of pupils who have completed Year 6.	2006. <b>COMPLETED</b>	
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-63-05 The Education Act 2005 (Commencement No 1)(Wales) Order 2005	The Order will bring into force the provisions of the Education Act 2005	The order was agreed in plenary on 16 May 2006. Schedule 1 and 2 will come into force on 1 September 2006; and Schedule 3 on 1 April 2007.	CSD SO 24
ELL-67-05 The Education (Full Time Youth and Community Work Training)	To enable Estyn to inspect the training of full time youth and community workers within higher Education.	Standard. Procedure Anticipated Regulations will come into force 23 <sup>rd</sup> of	YALO

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(Inspection) (Wales) Regulations 2005		October subject to Ministerial and Business Committee agreement	
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	YALO

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2006

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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  March 2007</p>	<p>S024  ANID</p>

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<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 27 October 2006</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 April 2007</p>	<p>SO24 SFD</p>
<p>ELL-14-06 Adventure Activities (Licensing) (Designation) Order 2007</p>	<p>The Designation Order will designate the Health and Safety Executive (HSE) as the Adventure Activities Licensing 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 <b>is March 2007. Slippage is due to ongoing negotiations between the HSE and TQS Ltd about the sub-contract for inspection and licensing activity post-merger.</b></p>	<p>SO25, Section 3  SMD</p>



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<p>ELL-16-06 Education (Listed Bodies) (Wales) Order 2006</p>	<p>This Order lists the name of every body which is not a recognised body within section 216(4) of the Education Reform Act 1988 but which either - (a) provides any course which is in preparation for a degree to be granted by such a recognised body and is approved by or on behalf of that body; or (b) is a constituent college, school, hall or other institution of a university which is such a recognised body. Every university, college or other body that is authorised by Royal Charter or by or under Act of Parliament to grant degrees and every other body for the time being permitted by these bodies to act on their behalf in the granting of degrees, is a recognised body.</p> <p>This Order is to replace the current Listed Bodies order and is administrative and technical in nature.</p>	<p>CIF = 2<sup>nd</sup> December 2006 Standard procedure</p>	<p>SO24 HED</p>
<p>ELL-17-06 Independent School (Miscellaneous Amendments) (Wales) Regulations 2007</p>	<p>Amend The Education Standards (Wales) in line with Statutory Instrument 2004 No.3374 The Education (Independent School Standards) (England) (amendment) Regulations 2004. Page 4 Paragraph (b). This would ensure that CRB checks would be required for the proprietor or the Chair of the Directors/Trustees instead of all Directors/Trustees which is currently unmanageable.</p>	<p><b>Awaiting new timetable for end 2006.</b> Standard procedure. CIF <b>early 2007.</b></p>	<p>SO24 ANID</p>

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<p>ELL 18-06 Tax Credits (Approval of Child Care Providers)(Wales) Scheme 2007</p>	<p>This scheme provides for the approval of child care providers for the purposes of section 12(5) of the Tax Credits Act 2002. The effect of the scheme will be that parents employing approved childcare in the family home will be eligible to apply for childcare tax credits, as well as to access the income tax and national insurance-related benefits associated with employer-provided childcare vouchers.</p>	<p>Standard Procedure Target CIC date 1<sup>st</sup> February</p>	<p>SO24</p>
<p>ELL-19-06 HSS 4 (06) The Care Standards Act 2000 and the Children Act 1989 (Miscellaneous Amendments) (Wales) Regulations 2006</p>	<p>To make across the board amendments to the regulations for services registered with CSIW, in the light of recent developments in the form of regulatory practice and the handing of complaints</p>	<p>Standard procedure; plenary debate in November for c.i.f. 1 January 2007. HSSC scrutiny on September 21; ELLC scrutiny must take place no later than October 5 if required.</p>	<p>SO 24</p>
<p>ELL-21-06 Education (Admission Appeals Arrangements)(Amendment) (Wales) Regulations 2007</p>	<p>This amendment is intended to clarify that, in infant class size appeals, fresh evidence cannot be considered at that appeal stage except for material submitted by the parents in order to establish the factual basis for their claim that no reasonable admission authority would have made that decision.</p>	<p>May 2007</p>	<p>SO24 SMD</p>
<p>ELL-22-06 The Designation of Schools Having a Religious Character (Wales) Order 2007</p>	<p>This Order designates schools in Wales which have a religious character and will revoke and replace The Designation of Schools Having a Religious Character (Wales) Order 1999 and The Designation of Schools Having a Religious Character and Amendments (Wales) Order 2004.</p>	<p>May 2007</p>	<p>SO24 SMD</p>

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<p>ELL-25-06 Smoke-free Premises etc (Wales) Regulations 2007</p>	<p>To prevent exposure to environmental tobacco smoke in enclosed public places and workplaces.</p>	<p>To Plenary 23 January 2007 Coming into force 2 April 2007 Standard Procedure</p>	<p>SO 24 PHID</p>
<p>ELLS-26-06  The Education Maintenance Allowance (Wales) Regulations 2007</p>	<p>The purpose of the Regulations is to place the Education Maintenance Allowance, Wales (EMA) scheme onto a statutory basis, bringing the scheme into line with other statutory student support products provided by Student Finance Wales. To ensure that students can apply for an EMA and receive payment for an EMA, in line with WAG policy for student support in 2007/2008</p> <p>The scheme is administered by the Student Loans Company (SLC) and the proposed Regulations will include several enhancements to the current system.</p>	<p>Accelerated procedure. Timetable to be confirmed.  Coming into force date is 13 July 2007.</p>	<p>SO 24 SFD</p>
<p>ELLS-27-06  The Assembly Learning Grant (Further Education) Regulations 2007</p>	<p>The purpose of the Regulations is to place the Assembly Learning Grant, Further Education (ALG FE) scheme onto a statutory basis, bringing the scheme in line with other statutory student support products that are provided by Student Finance Wales. To ensure that students can apply for an ALG and receive payment for an ALG, in line with WAG policy for student support in 2007/08.</p>	<p>Accelerated procedure. Timetable to be confirmed  Coming into force date is 1 July 2007</p>	<p>SO 24 SFD</p>

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<p>ELLS-28-06</p> <p>The Assembly Learning Grant (Higher Education) Regulations 2007.</p>	<p>The purpose of the Regulations is to place the Assembly Learning Grant, Higher Education (ALG HE) scheme onto a statutory basis, bringing the scheme in line with other statutory student support products that are provided by Student Finance Wales. To ensure that students can apply for an ALG and receive payment for an ALG, in line with WAG policy for student support in 2007/08.</p>	<p>Accelerated procedure. Timetable to be confirmed</p> <p>Coming into force date is 1 July 2007</p>	<p>SO 24</p> <p>SFD</p>
<p>ELLS-29-06</p> <p>Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2008</p>	<p>To put in place the student support regime for the 2008/09 academic year.</p>	<p>Post 2007 arrangements – Negative procedure (Standard procedure – SO24)</p> <p>To be in force for 1 September 2007</p>	<p>SO24</p> <p>SFD</p>
<p>ELLS 30-06</p> <p>The Education (Assisted Places) (Amendment) (Wales) Regulations 2006 &amp; Education (Assisted places) (incidental Expenses) (Amendment) (Wales) (Regulations 2006</p>	<p>Annual legislation to adjust regulatory framework to reflect inflationary adjustments on payments made to parents whose children are benefiting from the Assisted Places Scheme.</p>	<p>November 2006 Accelerated</p>	<p>SO 24</p> <p>ANID</p>
<p>ELLS 31-06</p> <p>The Children's Commissioner for Wales Regulations 2007</p>	<p>To amend Article 13 of the Children's Commissioner for Wales Regulations, so that the Children's Commissioner is able to produce joint reports with the Commissioner for Older People Wales once he is appointed</p>	<p>Feb 2007 Standard procedure with debate</p>	<p>SO24</p> <p>CSD</p>

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<p><b>ELL-33-06</b></p> <p><b>Designation of schools in Wales as rural for the purposes of consultation on statutory proposals Order 2006</b></p>	<p><b>The Order will designate schools in Wales as rural. The Education Act 2005 provides that when LEAs consult on statutory proposals, there are additional prescribed consultees in the case of rural schools. Regulations are needed in order to define which schools in Wales would be subject to this condition.</b></p>	<p><b>Standard procedure</b> <b>Target Date for consultation February 2007. Target Date for making October/Nov 2007</b></p>	<p><b>SO 24</b></p>
<p><b>ELL 34-06</b></p> <p><b>Adventure Activities Licensing (Amendment) Regulations 2007</b></p>	<p><b>Designation of the HSE as the AALA will require a consequential amendment to section 12(1)(b) of the Adventure Activities Licensing Regulations 2004 (Exercise of functions by authorised persons).</b></p>	<p><b>Standard procedure.</b> <b>Timetable and target CIF will be same as for the above DO.</b></p>	<p><b>SO25,</b> <b>Section 3</b></p> <p><b>SMD</b></p>

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Please note there are 2 SO26, **1 SO29** and **3** 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-69-05 Requirement for the production of a Transition Plan to facilitate the transition of pupils from primary school to secondary school.	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.	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 <b>COMPLETED</b>	

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<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 Awaiting new timetable from DCLG</p>	<p>SO 26 ANID</p>
<p>ELL 20-06 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>Expected to come forward in November 2006</p>	<p>SO 29 Q&amp;C 14-19</p>
<p>ELL-23-06</p> <ul style="list-style-type: none"> <li>• The Placement of Children (and Miscellaneous Amendments) (Wales) Regulations 2007</li> <li>• The Children's Homes (Wales)(Amendment) Regulations 2007</li> </ul> <p>The Local Health Board Functions (Wales)(Amendment) Regulations 2007</p>	<p>To strengthen duties on local authorities and their partners (particularly in Health) in respect of placement and review arrangements and health and education provision for looked after children and care leavers.</p> <p>In addition changes to the Responsible Commissioner for secondary health care for vulnerable children (including looked after children) placed away from home.</p>	<p>1 July 2007</p> <p>Standard Procedure with debate</p>	<p>SO 29 CHSSD</p>

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<p>ELL-24-06 Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) order 2006</p>	<p>The order will introduce a 'gender duty' for all public authorities in the UK who will be required to:</p> <ul style="list-style-type: none"> <li>• promote equality of opportunity between men and women; and</li> <li>• eliminate unlawful sex discrimination and harassment</li> </ul>	<p>Will go to plenary on 10 October 2006 after which it will be laid in Parliament. The Committee have already been informed of the legislation via email in February 2006 and a letter from the Business Minister in August 2006.</p>	<p>SO 26</p>
<p><b>ELL-32-06</b> <b>The Education (Designated Institutions in Further Education) (Wales) Order 2006</b></p>	<p><b>The order will amend the designation of the institution eligible to receive funding from the National Assembly for Wales from the National Council of Young Men's Christian Association of Wales to YMCA Wales Community College.</b></p>	<p><b>January 2007</b></p>	<p><b>SO 28</b></p>