



# Learning and Skills (Wales) Measure 2009

2009 nawm 1

## PART 2

### LOCAL CURRICULUM FOR STUDENTS AGED 16 TO 18

#### *Supplemental*

#### 34 Power to amend learning domains

After section 33L of the Learning and Skills Act 2000 (c. 21) insert—

##### “33M Power to amend learning domains

The Welsh Ministers may by order—

- (a) amend or omit any paragraph of subsection (3) of section 33A;
- (b) add additional paragraphs to that subsection;
- (c) amend or omit such additional paragraphs.”

#### Commencement Information

II S. 34 in force at 19.1.2011 by S.I. 2011/97, art. 2(1)(i)

#### 35 The local curriculum: interpretation

After section 33M of the Learning and Skills Act 2000 (c. 21) insert—

##### “33N The local curriculum: interpretation

(1) In sections 33A to 33L—

“academic year” means the period of 12 months beginning on 1 September;

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“course of study” means a course of education and training which leads to a qualification or set of qualifications approved under section 99 for the purposes of section 96;

“entitlement period” means the period described in section 33E(2);

[<sup>F1</sup>“fourth key stage” is to be construed in accordance with section 103 of the Education Act 2002;]

“institution” means an institution within the further education sector in Wales unless the institution provides education wholly or mainly for persons with a learning difficulty (within the meaning of section 41);

“local curriculum” and “local curricula” are to be construed in accordance with section 33A;

[<sup>F2</sup>“local authority”] means a [<sup>F2</sup>local authority] in Wales;

“maintained school” means a community, foundation or voluntary school maintained by a [<sup>F2</sup>local authority] in Wales provided that it is also a secondary school;

“principal”, in relation to an institution, means the principal or other head of the institution;

“regulations” means regulations made by the Welsh Ministers;

“relevant school or institution”, in relation to a person, is to be construed in accordance with section 33D;

“relevant student”, in relation to a maintained school or institution, means a student for whom the school or institution is his or her relevant school or institution;

“student” means a person who has made an election under section 33E.

- (2) Unless the context otherwise requires, an expression used in sections 33A to 33N, 33P and 33Q and also the Education Act 1996 is to bear for the purposes of those sections the meaning given to it for the purposes of that Act.”

#### Textual Amendments

- F1** Words in s. 35 omitted (1.9.2022 for specified purposes) by virtue of [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), [Sch. 2 para. 11\(2\)](#)
- F2** Words in Measure substituted (5.5.2010) by [Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) \(Wales\) Order 2010 \(S.I. 2010/1148\)](#), arts. 1, [3\(2\)](#)

#### Commencement Information

- I2** [S. 35](#) in force at 19.1.2011 by [S.I. 2011/97](#), [art. 2\(1\)\(j\)](#)

## 36 Local curriculum: directions

After section 33N of the Learning and Skills Act 2000 (c. 21) insert—

### “33O Local curriculum: directions

Any direction given by the Welsh Ministers under sections 33A(4), 33J(3) and 33L(3) may be varied or revoked by a further direction.”

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#### Commencement Information

I3 S. 36 in force at 19.1.2011 by S.I. 2011/97, art. 2(1)(k)

### 37 Application of local curriculum provisions to students who are registered pupils of special schools or who have learning difficulties

After section 33O of the Learning and Skills Act 2000 (c. 21) insert—

#### “33P Application of local curriculum provisions to students who are registered pupils of special schools or who have learning difficulties

- (1) Regulations may apply the provisions of sections 33A to 33L, 33N and 33O and the provisions of any regulations made under section 46 of the Learning and Skills (Wales) Measure 2009 in respect of a person who falls, or is likely to fall, within subsection (3).
- (2) The regulations may apply those provisions with such modifications as appear to the Welsh Ministers to be necessary or expedient.
- (3) A person falls within this subsection if he or she—
  - (a) is above compulsory school age; and
  - (b) either—
    - (i) a registered pupil of a community or foundation special school which is maintained by a [<sup>F2</sup>local authority] in Wales and is not established in a hospital; or
    - (ii) receiving the majority of his or her education at an institution which provides education wholly or mainly for persons with a learning difficulty (within the meaning of section 41).”

#### Textual Amendments

F2 Words in Measure substituted (5.5.2010) by [Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) \(Wales\) Order 2010 \(S.I. 2010/1148\)](#), arts. 1, 3(2)

#### Commencement Information

I4 S. 37 in force at 19.1.2011 by S.I. 2011/97, art. 2(1)(l)

### 38 Application of local curriculum provisions to institutions within the higher education sector

After section 33P of the Learning and Skills Act 2000 (c. 21) insert—

#### “33Q Application of local curriculum provisions to institutions within the higher education sector

- (1) Regulations may apply the provisions of sections 33A to 33L, 33N and 33O and the provisions of regulations made under section 46 of the Learning and Skills (Wales) Measure 2009 in relation to an institution, or institutions, within

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the higher education sector in Wales as those provisions apply in relation to an institution within the further education sector in Wales.

- (2) The regulations may also apply those provisions in relation to the principal or governing body of an institution within the higher education sector in Wales (or to persons with functions that are similar to those of a principal or governing body) as they apply in relation to the principal or governing body of an institution within the further education sector in Wales.
- (3) The regulations may apply those provisions with such modifications as appear to the Welsh Ministers to be necessary or expedient.”

**Commencement Information**

**I5** S. 38 in force at 19.1.2011 by S.I. 2011/97, art. 2(1)(m)

**39 Regulations and orders: procedure**

After section 152(4) of the Learning and Skills Act 2000 (c. 21) insert—

- “(4A) Any statutory instrument containing regulations made by the Welsh Ministers under section 33D(3), 33E(3), 33G(3), 33I(3), 33P or 33Q is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4B) No order shall be made by the Welsh Ministers under section 33G(5), 33I(5) or 33M unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, the National Assembly for Wales.”

**Commencement Information**

**I6** S. 39 in force at 19.1.2011 by S.I. 2011/97, art. 2(1)(n)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:**

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- s. 43(7) inserted by [2022 asc 1 Sch. 4 para. 25\(3\)](#)