

EDUCATION (WALES) MEASURE 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Education Appeals and Claims by Children

Special educational needs appeals

Sections 1- 8 insert new provisions into the Education Act 1996

Section 8 - Procedure for making regulations (amending section 569 of the Education Act 1996 and inserting a new section 569(2A) and (2B) into that Act)

39. This section amends section 569 of the Education Act 1996 which makes provision in relation to regulations.
40. Subsection (2) amends section 569(1) of the Education Act 1996 to specify that any power of the Welsh Ministers to make regulations must be exercised by statutory instrument.
41. Subsection (4) inserts new subsections (2A) and (2B). Subsection (2A) prescribes that regulations made under sections 332ZC, 332AA, 332BA, 332BB and 336 will be subject to the negative resolution procedure. Subsection (2B) is a signpost to the effect of paragraphs 33 to 35 of Schedule 11 to the Government of Wales Act 2006, which deal with the Assembly procedures that apply to subordinate legislation made under powers in the Education Act 1996 and other Acts that were transferred to the Welsh Ministers by the 2006 Act.