



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 7

THE OFFICE OF QUALIFICATIONS AND EXAMINATIONS REGULATION

CHAPTER 3

FUNCTIONS IN RELATION TO ASSESSMENT ARRANGEMENTS

Development etc. of regulated assessment arrangements

159 NC assessment arrangements: duty to consult Ofqual etc.

(1) Section 87 of the [Education Act 2002 \(c. 32\)](#) (establishment of the National Curriculum for England by order) is amended as follows.

(2) Before subsection (7) insert—

- “(6A) Before making an order under subsection (3)(c) the Secretary of State—
- (a) shall consult the Office of Qualifications and Examinations Regulation, and
 - (b) may consult such other persons as the Secretary of State considers appropriate.”

(3) After subsection (8) insert—

- “(8A) An order under subsection (3)(c) which includes provision made by virtue of subsection (8) shall provide that before making or revising the assessment arrangements the person specified in the order—
- (a) shall consult the Office of Qualifications and Examinations Regulation, and

Status: This is the original version (as it was originally enacted).

(b) may consult such other persons as that person considers appropriate.”

(4) After subsection (12) (as inserted by paragraph 35 of Schedule 12) insert—

“(12A) An order under subsection (3)(c) which authorises a person to make delegated supplementary provisions shall provide that before making, amending or revoking any such provisions the person so authorised—

(a) shall consult the Office of Qualifications and Examinations Regulation, and

(b) may consult such other persons as that person considers appropriate.”

160 EYFS assessment arrangements: duty to consult Ofqual etc.

(1) Section 42 of the [Childcare Act 2006 \(c. 21\)](#) (further provisions about assessment arrangements) is amended as follows.

(2) Before subsection (1) insert—

“(A1) Before making a learning and development order specifying assessment arrangements the Secretary of State—

(a) must consult the Office of Qualifications and Examinations Regulation, and

(b) may consult such other persons as the Secretary of State considers appropriate.”

(3) After subsection (3) insert—

“(3A) A learning and development order which includes provision made by virtue of subsection (3) must provide that before making or revising the assessment arrangements the person specified in the order—

(a) must consult the Office of Qualifications and Examinations Regulation, and

(b) may consult such other persons as that person considers appropriate.”

(4) After subsection (6A) (as inserted by paragraph 40 of Schedule 12) insert—

“(6AA) A learning and development order which authorises a person to make delegated supplementary provisions must provide that before making, amending or revoking any such provisions the person so authorised—

(a) must consult the Office of Qualifications and Examinations Regulation, and

(b) may consult such other persons as that person considers appropriate.”