

2010 No. 677

EDUCATION

**The Apprenticeships, Skills, Children and Learning Act 2009,
Parts 7 and 8 (Consequential Amendments) Order 2010**

<i>Made</i>	- - - -	<i>9th March 2010</i>
<i>Laid before Parliament</i>		<i>11th March 2010</i>
<i>Coming into force</i>	- -	<i>1st April 2010</i>

The Secretary of State for Children, Schools and Families makes the following Order in exercise of the powers conferred by section 265(1) and (2) of the Apprenticeships, Skills, Children and Learning Act 2009(a).

Citation and commencement

1. This Order may be cited as the Apprenticeships, Skills, Children and Learning Act 2009, Parts 7 and 8 (Consequential Amendments) Order 2010 and comes into force on 1st April 2010.

Amendment of the Council Tax (Discount Disregards) Order 1992

2. In paragraph 1(1)(b) of Part 1 of Schedule 1 to the Council Tax (Discount Disregards) Order 1992(b) (apprentices), as it applies to England, for the words “accredited by” to the end substitute—

“—

- (i) to which Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009(a) applies which is awarded or authenticated by a body which is recognised by the Office of Qualifications and Examinations Regulation under section 132 of that Act in respect of the qualification, or
- (ii) accredited by the Scottish Vocational Education Council”.

Amendment of the Employers’ Liability (Compulsory Insurance) Regulations 1998

3. For paragraph 8 of Schedule 2 to the Employers’ Liability (Compulsory Insurance) Regulations 1998(c) (employers exempted from insurance) substitute—

“8. The Qualifications and Curriculum Development Agency.”.

(a) 2009 c. 22.
(b) S.I. 1992/548, amended by S.I. 2006/3396.
(c) S.I. 1998/2573, to which there are amendments not relevant to this Order.

Amendment of the National Minimum Wage Regulations 1999

4. For regulation 12(9B)(a)(iii) of the National Minimum Wage Regulations 1999(a) (workers who do not qualify for the national minimum wage) substitute—

“(iii) leads to a qualification to which Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009(b) applies which is awarded or authenticated by a body which is recognised by the Office of Qualifications and Examinations Regulation under section 132 of that Act in respect of the qualification.”.

Amendment to the Education (Non-Maintained Special Schools) (England) Regulations 1999

5. In paragraph 21(6)(a) of Part 3 of the Schedule to the Education (Non-Maintained Special Schools) (England) Regulations 1999(c) (information to be published by the Governing Body) for “external” substitute “relevant”.

Amendment of the Northern Ireland Act 1998 (Designation of Public Authorities) Order 2001

6. In Schedule 1 to the Northern Ireland Act 1998 (Designation of Public Authorities) Order 2001(d) for “Qualifications and Curriculum Authority” substitute—

“Office of Qualifications and Examinations Regulation”.

Amendment of the British Nationality (General) Regulations 2003

7. In regulation 5A of the British Nationality (General) Regulations 2003(e) (knowledge of language and life in the United Kingdom), as it applies to the United Kingdom,—

- (a) omit “accredited” in both places it occurs; and
- (b) in paragraph (2)(a) for “approved by the Qualifications and Curriculum Authority” substitute “which is awarded or authenticated by a body which is recognised by the Office of Qualifications and Examinations Regulation under section 132 of the Apprenticeships, Skills, Children and Learning Act 2009(b) in respect of the qualification”.

Amendment of the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003

8.—(1) The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003(f) is amended as follows.

(2) In article 3(1) (interpretation)—

- (a) omit the definition of “the Authority” and in the appropriate place insert—
““the QCDA” means the Qualifications and Curriculum Development Agency(g);”; and
- (b) in the definitions of “external marking agency” and “NC assessment timetable” for “Authority” substitute “QCDA”.

(3) In article 5(3) (NC test assessment)—

(a) S.I. 1999/584, paragraph (9B) was inserted by S.I. 2007/2318; there are other amending instruments but none is relevant.
(b) 2009 c. 22.
(c) S.I. 1999/2257, amended by S.I. 2007/1088; there is another amending instrument which is not relevant.
(d) S.I. 2001/1294.
(e) S.I. 2003/548, amended by S.I. 2005/2785.
(f) S.I. 2003/1038, amended by S.I. 2009/1585 and 2010/290.
(g) By virtue of section 175 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), the body originally established under section 21 of the Education Act 1997 (c. 44) as the Qualifications and Curriculum Authority is to continue in existence as the Qualifications and Curriculum Development Agency.

- (a) for “Authority” in both places it occurs substitute “QCDA”; and
 - (b) for “their” substitute “its”.
- (4) In the following provisions, for “Authority” in each place it occurs substitute “QCDA”—
- (a) article 5(4A) (NC test assessment);
 - (b) article 5A(8), (9), (10) and (11) (single level tests in mathematics);
 - (c) article 6(7)(b) (monitoring of assessment arrangements); and
 - (d) article 6A(7)(b) (monitoring of assessment arrangements in relation to single level tests).
- (5) In article 7 (investigation by the Authority and correction of record of results) and the heading preceding it—
- (a) for “Authority” in each place it occurs substitute “QCDA”;
 - (b) for “them” substitute “it”; and
 - (c) for “their” in both places it occurs substitute “its”.
- (6) In article 10 (evaluation of assessment arrangements)—
- (a) for “Authority” substitute “QCDA”; and
 - (b) for “them” substitute “it”.
- (7) In article 11(2) (supplementary powers of the Secretary of State) for “Authority” substitute “QCDA”.

Amendment of the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003

9.—(1) The Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003(a) is amended as follows.

(2) In article 3(1) (interpretation), omit the definition of “the Authority” and in the appropriate place insert—

““the QCDA” means the Qualifications and Curriculum Development Agency;”.

(3) In article 11 (evaluation of assessment arrangements)—

- (a) for “Authority” substitute “QCDA”; and
- (b) for “them” substitute “it”.

(4) In article 12(2) (supplementary powers of the Secretary of State) for “Authority” substitute “QCDA”.

Amendment of the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004

10.—(1) The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004(b) is amended as follows.

(2) In article 3(1) (interpretation)—

- (a) in the definitions of “the associated documents” and “the Document” for “Authority” substitute “QCDA”; and
- (b) omit the definition of “the Authority” and in the appropriate place insert—

““the QCDA” means the Qualifications and Curriculum Development Agency(c);”.

(3) In article 8 (evaluation of assessment arrangements)—

(a) S.I. 2003/1039, amended by S.I. 2008/3081 and 2009/1585.
 (b) S.I. 2004/2783.
 (c) By virtue of section 175 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), the body originally established under section 21 of the Education Act 1997 (c. 44) as the Qualifications and Curriculum Authority is to continue in existence as the Qualifications and Curriculum Development Agency.

- (a) for “Authority” substitute “QCDA”; and
 - (b) for “them” substitute “it”.
- (4) In article 9 (supplementary powers of the Secretary of State) for “Authority” substitute “QCDA”.

Amendment of the Education (School Performance Targets) (England) Regulations 2004

11.—(1) The Education (School Performance Targets) (England) Regulations 2004(a) are amended as follows.

- (2) In regulation 2 (interpretation)—
 - (a) in the definition of “approved qualification” for “an external” substitute “a relevant”;
 - (b) in the definitions of “entry level” and “level 2” for the words from “as set out” to the end substitute “as determined by the Office of Qualifications and Examinations Regulation”; and
 - (c) in the definition of “level 2 threshold” for “Qualifications and Curriculum Authority” substitute “Qualifications and Curriculum Development Agency”.
- (3) In regulation 5 (targets for pupils in the fourth key stage)—
 - (a) in paragraph (4) for the words “in accordance with” to the end substitute “by the Qualifications and Curriculum Development Agency”; and
 - (b) for paragraph (7)(b)(iii) substitute—
 - “(iii) a qualification resulting from any combination of short courses, unless separately awarded or authenticated as a single or double GCSE in Mathematics by a body which is recognised by the Office of Qualifications and Examinations Regulation under section 132 of the Apprenticeships, Skills, Children and Learning Act 2009(b) in respect of the qualification.”.

Amendment of the Education (Pupil Information) (England) Regulations 2005

12.—(1) The Education (Pupil Information) (England) Regulations 2005(c) are amended as follows.

- (2) In regulation 2 (interpretation)—
 - (a) in the appropriate place insert—
 - ““the QCDA” means the Qualifications and Curriculum Development Agency;”;
 - (b) in the definitions of “the associated documents” and “P Level Document” for “Qualifications and Curriculum Authority” substitute “QCDA”; and
 - (c) in the definition of “external marking agency” for “Qualifications and Curriculum Authority (or by any successor body to that Authority)” substitute “QCDA”.
- (3) In paragraph 6(1)(e) of Schedule 2 (information forming part of the common transfer file) for “Qualifications and Curriculum Authority” substitute “QCDA”.

Amendment of the Education (Local Education Authority Performance Targets) (England) Regulations 2005

13. In regulation 2 of the Education (Local Education Authority Performance Targets) (England) Regulations 2005(d) (interpretation)—

- (a) in the definition of “approved qualification” for “an external” substitute “a relevant”;

(a) S.I. 2004/2858, amended by S.I. 2006/3151 and 2007/2975; there are other amending instruments but none is relevant.
 (b) 2009 c. 22.
 (c) S.I. 2005/1437, amended by S.I. 2008/1747; there are other amending instruments but none is relevant.
 (d) S.I. 2005/2450, amended by S.I. 2006/3150; there are other amending instruments but none is relevant.

- (b) in the definitions of “entry level”, “level 1” and “level 2” for the words from “as set out” to the end substitute “as determined by the Office of Qualifications and Examinations Regulation”; and
- (c) in the definition of “level 2 threshold” for “Qualifications and Curriculum Authority” substitute “Qualifications and Curriculum Development Agency”.

Amendment of the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005

14. In Part 1 of Schedule 1 to the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005(a) for “The Qualifications and Curriculum Authority (QCA)” substitute “The Qualifications and Curriculum Development Agency (QCDA)”.

Amendment of the Education (Information About Individual Pupils) (England) Regulations 2006

15.—(1) The Education (Information About Individual Pupils) (England) Regulations 2006(b) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) for the definition of “learning aim” substitute—

““learning aim” means a course of study leading to a qualification to which Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009(c) applies which is awarded or authenticated by a body which is recognised by the Office of Qualifications and Examinations Regulation under section 132 of that Act in respect of the qualification and which has been allocated a qualification number;”;

(b) for the definition of “level 3” substitute—

““level 3” means level 3 as determined by the Office of Qualifications and Examinations Regulation;”;

(c) in the definition of “qualification accreditation number”—

(i) omit “accreditation”; and

(ii) for “Qualifications and Curriculum Authority” substitute “Office of Qualifications and Examinations Regulation”.

(3) In paragraph 4(a) of Schedule 2 (provision of information about the learning aims of pupils) omit “accreditation”.

Amendment of the Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006

16. In the Schedule to the Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006(d) for “The Qualifications and Curriculum Authority (QCA)” substitute “The Qualifications and Curriculum Development Agency (QCDA)”.

Amendment of the Education (Information About Children in Alternative Provision) (England) Regulations 2007

17. In regulation 8 of the Education (Information About Children in Alternative Provision) (England) Regulations 2007(e) (persons to whom individual information supplied may be passed)—

(a) S.I. 2005/2966, to which there are amendments not relevant to this Order.
 (b) S.I. 2006/2601, to which there are amendments not relevant to this Order.
 (c) 2009 c. 22.
 (d) S.I. 2006/2930, to which there are amendments not relevant to this Order.
 (e) S.I. 2007/1065.

- (a) for paragraph (d) substitute—
“(d) the Office of Qualifications and Examinations Regulation;”;
- and
- (b) for paragraph (n) substitute—
“(n) the Qualifications and Curriculum Development Agency;”.

Amendment of the Early Years Foundation Stage (Learning and Development Requirements) Order 2007

18. In article 4(2) of the Early Years Foundation Stage (Learning and Development Requirements) Order 2007(**a**) (further provisions about assessment arrangements) for “Qualifications and Curriculum Authority” substitute “Qualifications and Curriculum Development Agency”.

Amendment of the Education (Supply of Information about the School Workforce) (No. 2) (England) Regulations 2007

19. For regulation 8(2)(c) of the Education (Supply of Information about the School Workforce) (No. 2) (England) Regulations 2007(**b**) (persons to whom the Secretary of State may supply information for qualifying purposes) substitute—

- “(c) the Qualifications and Curriculum Development Agency;”.

Amendment of the Education (School Performance Information) (England) Regulations 2007

20.—(1) The Education (School Performance Information) (England) Regulations 2007(**c**) are amended as follows.

- (2) In article 2 (interpretation)—
 - (a) in the definitions of “external marking agency” and “National Data Collection Agency” for “Qualifications and Curriculum Authority” substitute “QCDA”; and
 - (b) in the appropriate place insert—
““the QCDA” means the Qualifications and Curriculum Development Agency;”.
- (3) In article 14(1) (provision of information to the external marking agency) for “Qualifications and Curriculum Authority and notified by them” substitute “QCDA and notified by it”.
- (4) In Schedule 4 (provision of information to the Secretary of State)—
 - (a) in paragraph 2 of Part 1 (pupils in the fourth key stage)—
 - (i) in sub-paragraph (1)(b) for “an external” substitute “a relevant”; and
 - (ii) in sub-paragraph (1)(b)(i), (ii) and (iii) for “external” substitute “relevant”; and
 - (b) in paragraph 1 of Part 2 (pupils aged 16, 17 or 18)—
 - (i) in sub-paragraph (1) for “an external” substitute “a relevant”; and
 - (ii) in the first and second sub-paragraph (2) for “external” in each place it occurs substitute “relevant”.

Amendment of the Childcare (General Childcare Register) Regulations 2008

21. In the following provisions of the Childcare (General Childcare Register) Regulations 2008(**d**) for the words from “set out in” to the end substitute “determined by the Office of Qualifications and Examinations Regulation”—

(a) S.I. 2007/1772.
 (b) S.I. 2007/2260, to which there are amendments not relevant to this Order.
 (c) S.I. 2007/2324, amended by S.I. 2008/1727 and 2009/646.
 (d) S.I. 2008/975, to which there are amendments not relevant to this Order.

- (a) paragraph 11(2) of Schedule 3 (requirements governing activities); and
- (b) paragraph 12(2) of Schedule 6 (requirements governing the activities of persons registered in Part B of the general childcare register).

Amendment of the Childcare (Provision of Information About Young Children) (England) Regulations 2009

22. For regulation 7(c) of the Childcare (Provision of Information About Young Children) (England) Regulations 2009(a) (prescribed persons under section 99(4)(b) of the Childcare Act 2006) substitute—

“(c) the Qualifications and Curriculum Development Agency.”.

Amendment of the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009

23. In regulation 3 of the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009(b) (prescribed persons)—

- (a) in paragraph (3)(c) for “external” substitute “relevant”; and
- (b) in paragraph (5)—

- (i) for sub-paragraph (s) substitute—

- “(s) any body which is recognised by the Office of Qualifications and Examinations Regulation under section 132 of the Apprenticeships, Skills, Children and Learning Act 2009(c) in respect of the award or authentication of a specified qualification or description of qualification to which Part 7 of that Act applies;”;
 - and

- (ii) for sub-paragraph (u) substitute—

- “(u) the Qualifications and Curriculum Development Agency;

- (v) the Office of Qualifications and Examinations Regulation.”.

9th March 2010

Iain Wright
Parliamentary Under Secretary of State
Department for Children, Schools and Families

(a) S.I. 2009/1554.
(b) S.I. 2009/1563.
(c) 2009 c. 22.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22). Part 7 of the 2009 Act establishes the Office of Qualifications and Examinations Regulation (Ofqual) and sets out its functions. Part 8 of the 2009 Act makes provision for the Qualifications and Curriculum Authority (established under section 21 of the Education Act 1997 (c. 44)) to continue in existence as the Qualifications and Curriculum Development Agency, with various changes to its role notably in relation to its regulatory functions passing to Ofqual.

This Order makes amendments to secondary legislation, the majority of which are in consequence of the implementation of Parts 7 and 8 of the 2009 Act on 1 April 2010. Several amendments are also made which are in consequence of the amendments made to section 96 of the Learning and Skills Act 2000 (c. 21) by Schedule 12 to the 2009 Act.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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