
WELSH STATUTORY INSTRUMENTS

2010 No. 2413 (W.207) (C.118)

EDUCATION, WALES

The Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 2 and Transitional Provisions) (Wales) Order 2010

Made - - - - 30 September 2010

The Welsh Ministers, in exercise of the powers conferred by section 269(3), (7) and (8) of the Apprenticeships, Skills, Children and Learning Act 2009 Act(1), make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No 2 and Transitional Provisions) (Wales) Order 2010.

(2) In this Order:

“the 1997 Act” (“*Deddf 1997*”) means the Education Act 1997(2);

“the 2009 Act” (“*Deddf 2009*”) means the Apprenticeships, Skills, Children and Learning Act 2009;

“the appointed day” (“*y diwrnod penodedig*”) means 1 November 2010 except in relation to article 2(c) and (d) where it means 1 October 2010;

“Schedule 12” (“*Atodlen 12*”) means Schedule 12 to the 2009 Act and “Schedule 16” (“*Atodlen 16*”) means Schedule 16 to the 2009 Act.

Appointed Day

2. The following provisions come into force on the appointed day—

(a) sections 174 and 192 of the 2009 Act so far as they relate to the paragraphs 11, 13 and 27 of Schedule 12 (so far as relating to Wales); paragraphs 14 to 19 and 29 of Schedule 12; and the associated entries in Schedule 16;

(b) section 266 of the 2009 Act so far as it relates to—

(i) the following repeals specified in Part 4 of Schedule 16:

(aa) section 30(1C), (1D), (2) and (6) of the 1997 Act;

(1) 2009 c. 22.

(2) 1997 c. 44.

- (bb) section 32(4A) of the 1997 Act;
- (cc) section 32A(6) of the 1997 Act;
- (dd) paragraph 5(6) of Schedule 17 to the Education Act 2002⁽³⁾;
- (ee) section 162(2) to (5) of the Education and Skills Act 2008⁽⁴⁾;
- (ii) the following repeals or revocations specified in Part 4 of Schedule 16 so far as relating to Wales:
 - (aa) sections 21 to 26A of the 1997 Act;
 - (bb) paragraph 214 of Schedule 30 to the School Standards and Framework Act 1998⁽⁵⁾;
 - (cc) section 103(2) and (3) of and paragraph 69 of Schedule 9 to the Learning and Skills Act 2000⁽⁶⁾;
 - (dd) in section 216(2) of the Education Act 2002, the words “paragraphs 1 to 4 and 9 of Schedule 17, and section 189 so far as relating to those paragraphs,”;
 - (ee) paragraphs 1 to 4 and the italic heading before paragraph 1 in Schedule 17 to the Education Act 2002;
 - (ff) paragraph 69 of Schedule 21 to the Education Act 2002;
 - (gg) paragraph 7 of Schedule 1 to the Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005⁽⁷⁾;
 - (hh) paragraph 2 of Schedule 1 to the Childcare Act 2006⁽⁸⁾ and the italic heading before it;
 - (ii) paragraph 21 of Schedule 14 to the Education and Inspections Act 2006⁽⁹⁾;
 - (jj) sections 161 and 163 of the Education and Skills Act 2008;
- (c) section 259 of the 2009 Act;
- (d) the repeal specified in Schedule 16 in section 76(1)(b) of the Further and Higher Education Act 1992⁽¹⁰⁾ of the words “in England”.

Recognition in respect of award or authentication of qualifications

3.—(1) This article applies where immediately before the appointed day, a person is recognised (or is treated as recognised) by the Welsh Ministers under section 30(1)(cb) of the 1997 Act⁽¹¹⁾ and awards or authenticates a qualification which is accredited by the Welsh Ministers under section 30(1)(e) of the 1997 Act.

⁽³⁾ 2002 c. 32.

⁽⁴⁾ 2008 c. 25.

⁽⁵⁾ 1998 c. 31.

⁽⁶⁾ 2000 c. 21.

⁽⁷⁾ S.I. 2005/3239 (W. 244).

⁽⁸⁾ 2006 c. 21.

⁽⁹⁾ 2006 c. 40.

⁽¹⁰⁾ 1992 c. 13. Section 76(1)(b) was inserted by the Further Education and Training Act 2007 (c. 25) section 19(2).

⁽¹¹⁾ The functions of the Qualifications, Curriculum and Assessment Authority for Wales were transferred to the National Assembly for Wales by article 2 of the Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(a) of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) With effect from the appointed day the person is deemed to be recognised by the Welsh Ministers under section 30(1)(e) of the 1997 Act in respect of the award or authentication of that qualification or description of qualification.

Requirement of accreditation

4.—(1) This article applies where immediately before the appointed day a qualification (“the qualification”) is accredited by the Welsh Ministers under section 30(1)(e) of the 1997 Act.

(2) With effect from the appointed day the qualification is to be treated as though it were subject to a requirement of accreditation in accordance with a determination made under section 30(1)(f) of the 1997 Act.

Accredited Qualifications

5.—(1) This article applies where immediately before the appointed day a form of qualification (“the form of qualification”) is accredited by the Welsh Ministers under section 30(1)(e) of the 1997 Act and is deemed by virtue of article 4 to be subject to a requirement of accreditation.

(2) With effect from the appointed day, the form of the qualification is treated as accredited by the Welsh Ministers under section 30(1)(h) of the 1997 Act.

30 September 2010

Leighton Andrews
Minister for Children, Education and Lifelong
Learning, one of the Welsh Ministers

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EXPLANATORY NOTE

(This note is not part of the Order)

This is the second commencement order made by the Welsh Ministers under the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) (“the 2009 Act”). The Order brings into force on 1 November 2010 paragraphs 11, 13 and 27 of Schedule 12 so far as relating to Wales (and the associated entries in Schedule 16), paragraphs 14 to 19 and 29 of Schedule 12 (and associated entries in Schedule 16), sections 174 and 192 so far as they relate to the respective paragraphs of Schedule 12; and section 266 so far as it relates to relevant entries in Schedule 16.

Schedule 12 to the 2009 Act makes minor and consequential amendments to Part 5 of the Education Act 1997 (“the 1997 Act”) and the Learning and Skills Act 2000 (c. 21) (“the 2000 Act”) in relation to Wales. Paragraph 15 of Schedule 12 substitutes section 30(1) of the 1997 Act to confer additional functions on the Welsh Ministers in relation to the recognition of awarding bodies and the accreditation of qualifications. The definition of “external qualification” contained in Part 5 of the 1997 Act is replaced with a definition of “relevant qualification”. Paragraphs 17 and 19 of Schedule 12 confer additional functions in relation to the recognition of awarding bodies. Paragraph 27 of Schedule 12 removes from the 2000 Act the requirement for courses leading to the award of qualifications for those under the age of 19 to be the subject of separate approval on the part of the Welsh Ministers.

The remaining paragraphs of Schedule 12 commenced by this Order make other minor or consequential amendments. The corresponding paragraphs of Schedule 16 make repeals and revocations.

The Order brings section 259 of the 2009 Act into force on 1 October 2010. This section amends section 76 of the Further and Higher Education Act 1992. By repealing the words “in England” from section 76(1)(b), the Privy Council is able to specify further education institutions in Wales (as well as in England) as competent to award foundation degrees.

Articles 3 to 5 of this Order make transitional provision so that those awarding bodies recognised or treated as recognised before the appointed day are deemed recognised and qualifications accredited before the appointed day are deemed subject to a requirement of accreditation and to be accredited, both under the substituted sections of the 1997 Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Apprenticeships, Skills, Children and Learning Act 2009 have been brought into force in relation to Wales by a Commencement Order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 205	12 January 2010	S.I. 2009/3341 (W. 292)
Schedule 14	12 January 2010	S.I. 2009/3341 (W. 292)

Various provisions of the Apprenticeships, Skills, Children and Learning Act 2009 have been brought into force in relation to England by the following Statutory Instruments: [S.I. 2009/3317](#), [S.I. 2010/303](#) (as amended by [S.I. 2010/1891](#)), [S.I. 2010/1151](#) (as amended by [S.I. 2010/1702](#)).

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