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**2010 No.**

**CONSTITUTIONAL LAW**

**DEVOLUTION, WALES**

**The National Assembly for Wales (Legislative Competence)  
(Education) Order 2010**

*Made*   -   -   -   -

*Coming into force in accordance with Article 1*

At the Court at Buckingham Palace, the    day of    2010

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 95(5) of the Government of Wales Act 2006<sup>(a)</sup>, a draft of this order has been laid before, and approved by resolution of, the National Assembly for Wales and each House of Parliament.

Accordingly, Her Majesty, in pursuance of section 95(1) of the Government of Wales Act 2006, is pleased, by and with the advice of Her Privy Council, to order as follows:-

**Citation and commencement**

1. This Order may be cited as the National Assembly for Wales (Legislative Competence) (Education) Order 2010 and it shall come into force on the day after the day on which it is made.

**Amendments relating to the field of education and training**

2.—(1) Field 5 (education and training) of Part 1 of Schedule 5 to the Government of Wales Act 2006 is amended as follows.

(2) After Matter 5.2<sup>(b)</sup> insert —

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(a) 2006 c.32.

(b) Matters 5.1 to 5.10 were inserted in Field 5 by the National Assembly for Wales (Legislative Competence) (Conversion of Framework Powers) Order 2007 (S.I. 2007 No. 910); Matter 5.10 was amended by the National Assembly for Wales (Legislative Competence) (Education and Training) Order 2008 (S.I. 2008 No. 1036) and the National Assembly for Wales (Legislative Competence) (Social Welfare and Other Fields) Order 2008 (S.I. 2008 No. 3132). Matter 5.4A was inserted by section 149 of the Education and Skills Act 2008 (c. 25). Matters 5.11 to 5.16 were inserted by section 27 of the Further Education and Training Act 2007 (c. 25); Matters 5.15 and 5.16 were amended by section 149 of the Education and Skills

*“Matter 5.2A*

Conduct and governance of schools maintained by local education authorities, including the allocation of functions, property, rights and liabilities relating to such schools.

*Matter 5.2B*

Securing collaboration between persons or bodies with functions relating to schools maintained by local education authorities.

*Matter 5.2C*

The following activities by persons or bodies with functions relating to schools maintained by local education authorities—

- (a) establishment of bodies—
  - (i) to carry out activities relating to education and training, or
  - (ii) to exercise functions on behalf of local education authorities;
- (b) involvement with bodies mentioned in paragraph (a).”.

*Name*  
Clerk of the Privy Council

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Act 2008. Matter 5.17 was inserted by S.I. 2008 No. 1036; Matter 5.17 was amended by S.I. 2008 No. 3132. Matter 5.18 was inserted by S.I. 2008 No. 3132.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Government of Wales Act 2006 (“the 2006 Act”). The Order extends the legislative competence of the National Assembly for Wales to make laws known as Measures of the National Assembly for Wales (referred to in the 2006 Act as “Assembly Measures”). It does this by adding new matters to the field of education and training contained within Schedule 5 to the 2006 Act. Subject to general limitations on the legislative competence of the National Assembly for Wales, which apply by virtue of section 94 of, and Schedule 5 to, the 2006 Act, an Assembly Measure may make provision that relates to the matters contained in the fields set out in Schedule 5 to the 2006 Act.

Article 2 inserts matters 5.2A to 5.2C into field 5 (education and training) of Part 1 of Schedule 5 to the 2006 Act.

Matter 5.2A comprises the conduct and governance of schools maintained by local education authorities in Wales. It includes the allocation of functions, property, rights and liabilities that relate to such schools.

Matter 5.2B concerns collaboration between persons and bodies responsible for schools maintained by local education authorities in Wales.

Matter 5.2C is about the establishment of bodies by persons responsible for schools maintained by local education authorities in Wales.

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