

Explanatory Memorandum to the Education (Admission Appeals Arrangements) (Wales) (Amendment No. 2) Regulations 2009

1. This Explanatory Memorandum has been prepared by the Department for Children, Education, Lifelong Learning and Skills and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

Description

2. The Education (Admission Appeals Arrangements) (Wales) (Amendment) Regulations 2009 ("the 2009 Regulations") came into force on 22 April 2009 and were made in order to amend the Education (Admission Appeals Arrangements) (Wales) Regulations 2005 ("the 2005 Regulations"). The 2005 Regulations prescribe matters relating to appeals brought against a decision to refuse a child admission to a school. Two amendments were made by the 2009 Regulations. The first clarified the matters that should be taken into account by an appeal panel when considering appeals against decisions made on the basis of infant class size legislation. The second substituted a new Schedule 2 in the 2005 Regulations, which made provision for appeals in cases where decisions are made about children entering the sixth form, or receiving education after they have ceased to be of compulsory school age. The new Schedule also removed reference to the Council on Tribunals which has now been replaced by the Administrative Justice and Tribunals Council.
3. The Education (Admission Appeals Arrangements) (Wales) (Amendment No. 2) Regulations make a minor technical to the 2005 Regulations to amend the wording used in the English text which refers to "local authority" to make it consistent with the Welsh text, which refers to "awdurdod addysg lleol", which means "local education authority"..

Matters of special interest to the Subordinate Legislation Committee

4. These regulations correct an error reported upon by the Subordinate Legislation Committee meeting of 27 April 2009.

Legislative Background

5. The powers enabling this instrument to be made are contained in Sections 94(5A), 95(3A), 138(7) and 138(8) of the School Standards and Framework Act 1998. These powers have been transferred to the Welsh Ministers. The legislation follows the negative resolution procedure.

Purpose and intended effect of the legislation

6. The Welsh Assembly Government does not believe that the use of the term "local authority" affects the understanding of the Regulations, but has corrected the above discrepancy so as to ensure precision and consistency.

Implementation

7. It is intended that the Regulations will come into force on 15 July 2009.

Consultation

8. The regulations have been subject to consultation with the Administrative Justice and Tribunals Council (AJTC), but wider consultation is unnecessary, as it is a minor technical amendment, and the effect is unchanged from the original Regulations that came into force on 22nd April 2009.

Regulatory Impact Assessment

9. No Regulatory Impact Assessment has been prepared as these amending regulations will not give rise to additional costs for any sector