

Explanatory Memorandum to the School Standards and Framework Act 1998 (Repeal) (Wales) Order 2010

This Explanatory Memorandum has been prepared by the Department for Children Education Lifelong Learning and Skills in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the School Standards and Framework Act 1998 (Repeal) (Wales) Order 2010

Leighton Andrews
Minister for Children, Education and Lifelong Learning

1. Description

This order repeals sections 45AB and 45AC (4) of the School Standards and Framework Act 1998.

2. Matters of special interest to the Subordinate Legislation Committee

None.

3. Legislative background

The Order is made under section 45D of the School Standards and Framework Act 1998 and is subject to the affirmative procedure.

4. Purpose & intended effect of the legislation

The Order repeals sections 45AB and 45AC (4) of the School Standards and Framework Act 1998. This is consequential on the making of the new School Funding (Wales) Regulations 2010. Those regulations are made under the powers in section 45AC of the School Standards and Framework Act 1998 (as inserted by the Education Act 2005) and require local authorities to set their schools budget. The requirement in section 45AB of the School Standards and Framework Act 1998 Act on local authorities to set their school budget annually cannot stand alongside the requirement in the regulations, so in accordance with section 45AC(4), once the regulations are made, the provisions of the Act containing the requirement to set schools budgets annually are to be repealed.

5. Consultation

As this order is purely consequential on the making of the School Funding (Wales) Regulations 2010 and makes no substantive changes, and as extensive consultation has been carried out on those regulations, no separate consultation has been carried out on this order.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment is not required for the order as it makes no substantive changes and does not involve cost or savings on the public, private or charity and voluntary sectors.