

SL(6)536 – The Education (Amendments Relating to the Co-ordination of School Admission Arrangements) (Wales) Regulations 2024

Background and Purpose

The Education (Co-ordination of School Admission Arrangements and Miscellaneous Amendments) (Wales) Regulations 2024 (“the 2024 Regulations”) make provisions in relation to the duty on local authorities to implement a qualifying scheme for the co-ordination of admission arrangements for schools they maintain.

The 2024 Regulations also amended the School Information (Wales) Regulations 2011 to require a local authority to include in its composite prospectus a summary of the local authority’s co-ordinated scheme and a clear explanation of the stages in the process of applying for a school place.

These Regulations make largely technical corrections to the 2024 Regulations, which were highlighted in the LJC Report on the 2024 Regulations dated 5 June 2024.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(ii) – that it appears to make unusual or unexpected use of the powers conferred by the enactment under which it is made or to be made.

It is unclear why section 89C(2) School Standards and Framework Act 1998 has been relied on as an enabling power. Given that these amending regulations are narrower in scope than the 2024 Regulations, it would appear that the broader enabling power of section 89C(1) is more appropriate than section 89C(2).

It is also noted that paragraph 3.5 of the Explanatory Memorandum also paraphrases the power in section 89C(1) rather than 89C(2), stating that “*section 89C provides that regulations*



may be made about the contents of qualifying schemes including the duties imposed by such schemes on local authorities and school admission authorities".

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response to the Technical Scrutiny point is required.

Committee Consideration

The Committee considered the instrument at its meeting on 21 October 2024 and reports to the Senedd in line with the reporting point above.

