

## **Explanatory Memorandum to the Curriculum and Assessment (Wales) Act 2021 (Transitional and Saving Provision) Regulations 2022**

This Explanatory Memorandum has been prepared by the Education Directorate and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

### **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Curriculum and Assessment (Wales) Act 2021 (Transitional and Saving Provision) Regulations 2022.

**Jeremy Miles MS**  
**Minister for Education and Welsh Language**

09 February 2022

## **PART 1**

### **1. Description**

1.1 In order to provide for the phasing in of the Curriculum and Assessment (Wales) Act 2021 (“the Act”) starting on September 2022 these Regulations make saving and transitional provision in respect of the minor consequential amendments and repeals set out in Schedule 2 to the Act.

1.2 The Act establishes a new framework for a curriculum and makes provision about assessment for children and pupils in Wales (“the new CfW”).

### **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

2.1 The Committee may wish to note that section 84(1) of the Act commenced Part 7 of the Act (*General: sections 72 to 85*) including section 73 and Schedule 2 (minor and consequential amendments and repeals) on 30 April 2021, the day after Royal Assent. In order to provide for the phased roll out of the new CfW regulation 3 of these Regulations makes saving and transitional provision in relation to those children and pupils who are not yet being provided with education under the new CfW.

### **3. Legislative background**

3.1. The new CfW will be rolled out for children and pupils in a phased manner. It is intended that the new CfW will become mandatory for the year groups in schools and other settings as follows—

- a. on 1 September 2022 for—
  - i. children receiving nursery education,
  - ii. pupils in their reception year,
  - iii. pupils in years 1 to 6,
- b. on 1 September 2022 for children and pupils in year 7 in those schools and other settings where there is a curriculum provided in accordance with the Act,
- c. on 1 September 2023 for children and pupils who, on 1 September 2022, are in year 7 and who are not within paragraph (b),
- d. on 1 September 2023 for children and pupils in year 8,
- e. on 1 September 2024 for children and pupils in year 9,
- f. on 1 September 2025 for children and pupils in year 10, and
- g. on 1 September 2026 for children and pupils in year 11.

3.2 These Regulations have been made under sections 74(1) and 75(1) of the Act, which include powers for making transitional or saving provision the Welsh Ministers think necessary or appropriate for the purposes of

giving full effect to, or in consequence of, any provision made by or under the Act.

3.3 These Regulations are made under the negative procedure.

#### **4. Purpose and intended effect of the legislation**

4.1 In order to allow for the phased roll out as described above the Regulations make saving and transitional provision in respect of the provisions commenced the day after Royal Assent and which were set out in Schedule 2 to the Act.

#### **5. Consultation**

5.1 As these Regulations are technical in nature and are not intended to make changes to Welsh Government policy, public consultation did not take place.

#### **6. Regulatory Impact Assessment (RIA)**

6.1 The purpose and intended effect of these Regulations relate directly to that set out in the [Explanatory Memorandum \(EM\) and Regulatory Impact Assessment \(RIA\) for the Act](#).

6.2 A separate RIA has not been prepared for this instrument as it uses transitional and saving provisions to aid transition from one legislative regime to another. It does not change the purpose or effect of the Act. This is in line with the policy set out in the Welsh Ministers' code of practice for carrying out regulatory impact assessments for subordinate legislation.