
W E L S H S T A T U T O R Y
I N S T R U M E N T S

2022 No. 111 (W. 39)

EDUCATION, WALES

**The Curriculum and Assessment
(Wales) Act 2021 (Transitional and
Saving Provision) Regulations 2022**

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Curriculum and Assessment (Wales) Act 2021 (“the 2021 Act”) establishes a new framework for a curriculum and makes provision about assessment for children and pupils in Wales (“the new CfW”).

The new CfW will be rolled out for children and pupils in a phased manner. 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 2021 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.

These Regulations apply in relation to children and pupils to whom education is provided—

- (a) in maintained schools,
- (b) in maintained nursery schools,

- (c) by funded non-maintained nursery education providers,
- (d) in pupil referral units, and
- (e) by persons who provide teaching and learning for a child otherwise than at a maintained school, maintained nursery school or pupil referral unit by virtue of arrangements made under section 19A of the Education Act 1996.

Section 84(1) of the 2021 Act commenced Part 7 of the 2021 Act 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.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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(Wales) Act 2021 (Transitional and
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Made 7 February 2022

Laid before Senedd Cymru 9 February 2022

Coming into force 8 March 2022

The Welsh Ministers in exercise of the powers conferred on them by sections 74(1) and 75(1) of the Curriculum and Assessment (Wales) Act 2021⁽¹⁾ make the following Regulations:

Title and commencement

1.—(1) The title of these Regulations is the Curriculum and Assessment (Wales) Act 2021 (Transitional and Saving Provision) Regulations 2022.

(2) These Regulations come into force on 8 March 2022.

Interpretation

2.—(1) In these Regulations—

“the 2021 Act” (“*Deddf 2021*”) means the Curriculum and Assessment (Wales) Act 2021;

“child” (“*plentyn*”) has the meaning given to it in section 579(1) of the 1996 Act;

“pupil” (“*disgybl*”) has the meaning given to it in section 3 of the Education Act 1996⁽²⁾.

(2) References in these Regulations to “the old law” are to the provisions amended or repealed by Schedule

(1) 2021 asc 4. See section 82(1) of the 2021 Act for the definition of “regulations”.

(2) Subsection (1) was amended by section 57(1) and paragraph 9 of Schedule 7 to the Education Act 1997 (c. 44) and subsection (1) and (1A) were further amended by section 215(1) and paragraph 34 of Schedule 21 to the Education Act 2002 (c. 32).

2 to the 2021 Act as they had effect immediately before Schedule 2 to the 2021 Act came into force.

(3) References in these Regulations to a child or pupil provided with education “under the old curriculum” are to those children and pupils to whom Part 2, 3 or 5 of the 2021 Act applies, but in relation to whom the relevant Part of that Act has not yet come into force.

Saving and transitional provision

3.—(1) Despite the commencement of section 73 of, and Schedule 2 to, the 2021 Act, the old law continues to have effect—

- (a) in relation to a child or pupil provided with education under the old curriculum, and
- (b) in relation to education so provided.

(2) Paragraph (1) ceases to have effect on 1 September 2028.

Jeremy Miles

Minister for Education and Welsh Language, one of
the Welsh Ministers

7 February 2022