
WELSH STATUTORY INSTRUMENTS

2022 No. 652 (W. 144) (C. 36)

EDUCATION, WALES

The Curriculum and Assessment (Wales) Act 2021
(Commencement No. 3 and Transitional Provision) Order 2022

Made - - - -

13 June 2022

The Welsh Ministers, in exercise of the powers conferred by section 84(2), (3) and (4) of the Curriculum and Assessment (Wales) Act 2021⁽¹⁾, make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Curriculum and Assessment (Wales) Act 2021 (Commencement No. 3 and Transitional Provision) Order 2022.

(2) In this Order—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996⁽²⁾;

“the 2018 Act” (“*Deddf 2018*”) means the Additional Learning Needs and Education Tribunal (Wales) Act 2018⁽³⁾;

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

“academic year” (“*blwyddyn academaidd*”) means the period of 12 months beginning on 1 September;

“additional learning needs” (“*anghenion dysgu ychwanegol*”) has the meaning given to it in section 2 of the 2018 Act;

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

“individual development plan” (“*cynllun datblygu unigol*”) means a plan prepared and maintained under Chapter 2 of Part 2 of the 2018 Act;

“maintained school” (“*ysgol a gynhelir*”) means a maintained school within the meaning of section 79(1)(a) and (b) of the 2021 Act;

“nursery education” (“*addysg feithrin*”) means education provided to children or pupils below compulsory school age—

- (i) in a maintained school or a maintained nursery school, or
- (ii) by the provider of funded non-maintained nursery education;

⁽¹⁾ 2021 asc 4.

⁽²⁾ 1996 c. 56.

⁽³⁾ 2018 anaw 2.

“provider of funded non-maintained nursery education” (“*darparwr addysg feithrin a gyllidir ond nas cynhelir*”) has the meaning given to it in section 80(2)(a) of the 2021 Act;

“pupil referral unit” (“*uned cyfeirio disgyblion*”) has the meaning given to it in section 81(1) of the 2021 Act;

“pupil” (“*disgybl*”) has the meaning given to it in section 3 of the 1996 Act(4);

“reception year” (“*blwyddyn derbyn*”) means a year group in which the majority of the children or pupils attain the age of 5;

“setting” (“*lleoliad*”) means—

- (a) a maintained school,
- (b) a provider of funded non-maintained nursery education;
- (c) a pupil referral unit, and
- (d) the provision of teaching and learning for a child otherwise than at a pupil referral unit by virtue of arrangements made under section 19A of the 1996 Act;

“special educational needs” (“*anghenion addysgol arbennig*”) has the meaning given to it in section 312(1) of the 1996 Act(5);

“special educational needs provision” (“*darpariaeth anghenion addysgol arbennig*”) has the meaning given to it in section 312(4) of the 1996 Act(6);

“statement of special educational needs” (“*datganiad anghenion addysgol arbennig*”) means a statement within the meaning of section 324 of the 1996 Act(7);

“year 1” (“*blwyddyn 1*”) means a year group in which the majority of children or pupils attain the age of 6;

“year 2” (“*blwyddyn 2*”) means a year group in which the majority of children or pupils attain the age of 7;

“year 3” (“*blwyddyn 3*”) means a year group in which the majority of children or pupils attain the age of 8;

“year 4” (“*blwyddyn 4*”) means a year group in which the majority of children or pupils attain the age of 9;

“year 5” (“*blwyddyn 5*”) means a year group in which the majority of children or pupils attain the age of 10;

“year 6” (“*blwyddyn 6*”) means a year group in which the majority of children or pupils attain the age of 11;

“year 7” (“*blwyddyn 7*”) means a year group in which the majority of children or pupils attain the age of 12;

“year 8” (“*blwyddyn 8*”) means a year group in which the majority of children or pupils attain the age of 13;

“year 9” (“*blwyddyn 9*”) means a year group in which the majority of children or pupils attain the age of 14;

(4) Subsection (1) was amended by section 57(1) of, 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) of, and paragraph 34 of Schedule 21 to, the Education Act 2002 (c. 32).

(5) Amended by S.I. 2010/1158.

(6) Amended by S.I. 2010/1158.

(7) Subsection (4A) was inserted by section 9 of the Special Educational Needs and Disability Act 2001 (c. 10). Subsection (5) was amended by paragraph 77(a) of Schedule 30 to the School Standards and Framework Act 1998 (c. 31) and by paragraph 43 of Schedule 21 to the Education Act 2002 (c. 32). Subsection (5A) was inserted by paragraph 77(b) of Schedule 30 to the School Standards and Framework Act 1998. Section 324 was repealed by paragraph 4(1) and (9) of Schedule 1 to the Additional Learning Needs and Education Tribunal (Wales) Act 2018. That repeal is not yet fully in force.

“year 10” (“*blwyddyn 10*”) means a year group in which the majority of children or pupils attain the age of 15;

“year 11” (“*blwyddyn 11*”) means a year group in which the majority of children or pupils attain the age of 16;

“year 12” (“*blwyddyn 12*”) means a year group in which the majority of children or pupils attain the age of 17;

“year 13” (“*blwyddyn 13*”) means a year group in which the majority of children or pupils attain the age of 18;

“year group” (“*grŵp blwyddyn*”) means a group of children or pupils at a setting the majority of whom will, in a particular academic year, attain the same age.

Transitional provision

2. Until such time as Part 4 of the 1996 Act is repealed by the 2018 Act references in Part 2 of the 2021 Act to—

- (a) “additional learning needs provision” are treated as including “special educational provision”;
- (b) “additional learning needs” are treated as including “special educational needs”; and
- (c) “individual development plan” are treated as including a “statement of special educational needs”.

Provisions coming into force on 14 June 2022: partially

3. The following provisions of the 2021 Act come into force on 14 June 2022—

- (a) sections 42 and 43 for the purpose of making regulations under section 42, and
- (b) section 69 for the purpose of making regulations under that section.

Provisions coming into force on 1 September 2022: fully

4. The following provisions of the 2021 Act come into force on 1 September 2022—

- (a) sections 6 to 8 to the extent they are not already in force,
- (b) sections 42 and 43 to the extent they are not already in force,
- (c) sections 56 and 57 to the extent they are not already in force,
- (d) sections 63 to 67,
- (e) section 69 to the extent it is not already in force, and
- (f) sections 70 and 71.

Provisions coming into force on 1 September 2022: partially

5.—(1) The provisions of the 2021 Act in paragraph (2) come into force on 1 September 2022 for a child or pupil—

- (a) who is provided with nursery education,
- (b) in a reception year,
- (c) in years 1 to 6, and
- (d) in year 7 in those maintained schools and pupil referral units set out in the Schedule.

(2) The provisions referred to in paragraph (1) are—

- (a) sections 9 to 24(1), (2), (3) and (4),
- (b) sections 25 to 29,
- (c) sections 34 to 41,
- (d) sections 44 to 55, and
- (e) Schedule 1.

Provisions coming into force on 1 September 2023: partially

6.—(1) The provisions of the 2021 Act in paragraph (2) come into force on 1 September 2023 for a child or pupil in—

- (a) year 7 for all other settings not listed in the Schedule (Year 7 List), and
- (b) year 8.

(2) The provisions referred to in paragraph (1) are—

- (a) sections 9 to 24(1), (2), (3) and (4),
- (b) sections 25 to 29,
- (c) sections 34 to 41,
- (d) sections 44 to 55, and
- (e) Schedule 1.

Provisions coming into force on 1 September 2024: partially

7. The following provisions of the 2021 Act come into force on 1 September 2024 for a child or pupil in year 9—

- (a) sections 9 to 24(1), (2), (3) and (4),
- (b) sections 25 to 29,
- (c) sections 34 to 41,
- (d) section 68,
- (e) sections 44 to 55, and
- (f) Schedule 1.

Provisions coming into force on 1 September 2025: partially

8. The following provisions of the 2021 Act come into force on 1 September 2025 for a child or pupil in year 10—

- (a) sections 9 to 41,
- (b) sections 44 to 55, and
- (c) Schedule 1.

Provisions coming into force on 1 September 2026: fully

9. The following provisions of the 2021 Act come into force on 1 September 2026 to the extent they are not already in force—

- (a) sections 9 to 41,
- (b) sections 44 to 55,
- (c) sections 58 to 62,

- (d) section 68, and
- (e) Schedule 1.

13 June 2022

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

article 5

Year 7 List

1. The schools and pupil referral units referred to in article 4(1)(d) of this Order are—

| <i>School and Pupil Referral Unit Name</i> | <i>School Number and Pupil Referral Number</i> |
|---|--|
| Blaenau Gwent County Borough Council | |
| Brynmawr Foundation School | 6775401 |
| Pen-y-Cwm Special School | 6777011 |
| Tredeggar Comprehensive School | 6774061 |
| Bridgend County Borough Council | |
| Brynteg School | 6724078 |
| Coleg Cymunedol y Dderwen | 6724086 |
| Cynffig Comprehensive School | 6724059 |
| Heronsbridge School | 6727003 |
| Maesteg School | 6724071 |
| Pencoed Comprehensive School | 6724076 |
| Ysgol Bryn Castell | 6727012 |
| Ysgol Gyfun Gymraeg Llangynwyd | 6724085 |
| Caerphilly County Borough Council | |
| Bedwas High School | 6764093 |
| Glanynant Learning Centre | 6761104 |
| Idris Davies School 3 - 18 | 6765500 |
| Lewis Girls' School | 6764077 |
| Lewis School Pengam | 6764075 |
| Newbridge School | 6764031 |
| Risca Community Comprehensive School | 6764068 |
| St Cenydd Community School | 6764065 |
| Trinity Fields School and Resource Centre | 6767011 |
| Heolddu Comprehensive School | 6764073 |
| Cardiff City and County Council | |
| Cardiff High School | 6814039 |
| Cathays High School | 6814054 |
| Eastern High School | 6814076 |
| Fitzalan High School | 6814042 |

| <i>School and Pupil Referral Unit Name</i> | <i>School Number and Pupil Referral Number</i> |
|--|--|
| Greenhill Special School | 6817001 |
| Llanishen High School | 6814051 |
| Radyr Comprehensive School | 6814070 |
| St Illtyd's Catholic High School | 6814600 |
| The Bishop of Llandaff Church in Wales High School | 6814608 |
| Willows High School | 6814041 |
| Ysgol Gyfun Gymraeg Plasmawr | 6814072 |
| Carmarthenshire County Council | |
| Ysgol Gyfun Gymraeg Bro Myrddin | 6694056 |
| Bryngwyn School | 6694054 |
| Glan-y-Môr School | 6694053 |
| Ysgol Gyfun y Strade | 6694052 |
| Ceredigion County Council | |
| Ysgol Henry Richard | 6675501 |
| Conwy County Borough Council | |
| Conwy Education Centre | 6621109 |
| Dyffryn Conwy School | 6624035 |
| Eirias High School | 6625402 |
| John Bright School | 6624022 |
| Ysgol Aberconwy | 6624023 |
| Denbighshire County Council | |
| Ysgol Uwchradd Glan Clwyd | 6634020 |
| Gwynedd Council | |
| Brynrefail School | 6614004 |
| Godre'r Berwyn School | 6615501 |
| Moelwyn School | 6614031 |
| Ysgol Bro Idris | 6615500 |
| Ysgol Eifionydd | 6614009 |
| Ysgol Friars | 6614036 |
| Merthyr Tydfil County Borough Council | |
| Afon Taf High School | 6754011 |
| Bishop Hedley Catholic High School | 6754600 |
| Cyfarthfa High School | 6754013 |
| Monmouthshire County Council | |
| Caldicot School | 6794066 |
| Chepstow School | 6794065 |

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| <i>School and Pupil Referral Unit Name</i> | <i>School Number and Pupil Referral Number</i> |
|---|--|
| King Henry VIII School | 6794064 |
| Monmouth Comprehensive School | 6794060 |
| Neath Port Talbot Council | |
| Cefn Saeson Comprehensive School | 6714064 |
| Newport County Borough Council | |
| Bassaleg School | 6804030 |
| Caerleon Comprehensive School | 6804059 |
| Lliswerry High School | 6804026 |
| Maes Ebbw School | 6807002 |
| Newport High School | 6804025 |
| St Joseph's RC High School | 6804602 |
| St Julian's Secondary School | 6804003 |
| The John Frost School | 6804020 |
| Ysgol Bryn Derw | 6807004 |
| Ysgol Gyfun Gwent Is Coed | 6804060 |
| Pembrokeshire County Council | |
| Ysgol Bro Preseli | 6684064 |
| Ysgol Caer Elen | 6685500 |
| Powys County Council | |
| Crickhowell High School | 6664024 |
| Llanidloes High School | 6664002 |
| Maesydderwen School | 6664021 |
| Penmaes School | 6667004 |
| Ysgol Bro Hyddgen | 6665500 |
| Ysgol Llanfyllin | 6665501 |
| Rhondda Cynon Taf County Borough Council | |
| Bryn Celynnog Comprehensive School | 6744019 |
| Cardinal Newman Catholic School | 6744602 |
| Maesgwyn Special School | 6747006 |
| Park Lane Special School | 6747008 |
| Pontypridd High School | 6744022 |
| Tonyrefail Community School | 6745503 |
| Tŷ Gwyn Education Centre | 6741106 |
| Y Pant School | 6744096 |
| Ysgol Garth Olwg | 6745504 |
| Ysgol Gyfun Rhydywaun | 6744105 |

| <i>School and Pupil Referral Unit Name</i> | <i>School Number and Pupil Referral Number</i> |
|--|--|
| Ysgol Hen Felin | 6747011 |
| Ysgol Llanhari | 6745500 |
| City and County of Swansea | |
| Bishop Gore School | 6704044 |
| Bishop Vaughan Catholic School | 6704600 |
| Bishopston Comprehensive School | 6704069 |
| Dylan Thomas Community School | 6704076 |
| Morrison Comprehensive School | 6704033 |
| Pontarddulais Comprehensive School | 6704072 |
| Ysgol Gyfun Gŵyr | 6704074 |
| Ysgol Gyfun Gymraeg Bryn Tawe | 6704078 |
| Ysgol Pen y Bryn | 6707000 |
| Vale of Glamorgan Council | |
| Llantwit Major School | 6734060 |
| St Richard Gwyn Catholic High School | 6734612 |
| Stanwell School | 6735400 |
| Torfaen County Borough Council | |
| Abersychan School | 6784070 |
| Croesyceiliog School | 6784051 |
| Crownbridge Special School | 6787012 |
| Torfaen Pupil Referral Unit | 6781100 |
| West Monmouth School | 6784072 |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Curriculum and Assessment (Wales) Act 2021 (“the 2021 Act”).

Article 2 of this Order makes transitional provision for pupils who have a statement of special educational needs and not an individual development plan (see article 1 for a definition of “special educational needs” and “individual development plan”).

This Order provides that the provisions listed in article 3 come into force on 14 June 2022 but only for the purpose of making regulations under sections 42 and 69 of the 2021 Act.

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Article 4 of this Order provides that the provisions listed in that article come into force fully on 1 September 2022.

Article 5 of this Order provides that the provisions listed in that article come into force on 1 September 2022 for a child or pupil—

- (a) provided with nursery education,
- (b) in a reception year,
- (c) in years 1 to 6, and
- (d) in year 7 in those maintained schools and pupil referral units set out in the Schedule to this Order.

Article 5 of this Order provides that the provisions listed in that article come into force on 1 September 2023 for a child or pupil—

- (a) in year 7, and
- (b) in year 8.

Article 6 of this Order provides that the provisions listed in that article come into force on 1 September 2024 for a child or pupil in year 9.

Article 7 of this Order provides that the provisions listed in that article come into force on 1 September 2025 for a child or pupil in year 10.

Article 8 of this Order provides that the provisions listed in that article come into force on 1 September 2026 for a child or pupil in years 11 to 13.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

The following provisions of the Act have been brought into force by Commencement Orders made before the date of this Order:

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No</i> |
|------------------------------|-----------------------------|---|
| Sections 1 to 5 | 29 September 2021 | S.I. 2021/1069 (W. 252) (C. 61) |
| Sections 6 and 7 (partially) | 29 September 2021 | S.I. 2021/1069 (W. 252) (C. 61) |
| Section 8 (partially) | 23 November 2021 | S.I. 2021/1069 (W. 252) (C. 61) |
| Section 56(1) (partially) | 11 January 2022 | S.I. 2022/12 (W. 6) (C. 1) |
| Section 57(1) (partially) | 11 January 2022 | S.I. 2022/12 (W. 6) (C. 1) |
| Section 56 (fully) | 1 September 2022 | S.I.2022/12 (W. 6) (C. 1) |
| Section 57 (fully) | 1 September 2022 | S.I. 2022/12 (W. 6) (C. 1) |