

Status: Point in time view as at 25/03/2022.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, Cross Heading: Notices temporarily removing or relaxing statutory provisions: Wales. (See end of Document for details)

SCHEDULES

SCHEDULE 17

TEMPORARY CONTINUITY DIRECTIONS ETC: EDUCATION, TRAINING AND CHILDCARE

PART 1

ENGLAND AND WALES

Notices temporarily removing or relaxing statutory provisions: Wales

- ^{x17} (1) The Welsh Ministers may by notice make provision in relation to Wales—
- (a) disapplying, for a specified period, any enactment listed in sub-paragraph (5);
 - (b) modifying, for a specified period, any enactment listed in the table in sub-paragraph (6), in the manner described in that table.
- (2) A notice under sub-paragraph (1) may limit the disapplication or modification of a provision by reference to—
- (a) a specified person or description of persons;
 - (b) a specified area;
 - (c) any other matter.
- (3) A notice under sub-paragraph (1) may also make such consequential modifications of any other enactment, for the specified period, as the Welsh Ministers consider appropriate.
- (4) A notice under sub-paragraph (1) must state why the Welsh Ministers consider that the issuing of the notice is an appropriate and proportionate action in all the circumstances relating to the incidence or transmission of coronavirus.
- (5) This is the list referred to in sub-paragraph (1)(a)—
- (a) section 324(5)(a) and (b) of the Education Act 1996 (statement of special educational needs);
 - (b) section 328(5) of that Act (review of education needs);
 - (c) sections 437, 443 and 444(1) and (1A) of that Act (provisions relating to attendance at school);
 - [^{F1}(ca) section 69 of, and Schedule 19 to, the School Standards and Framework Act 1998 (duty to secure due provision of religious education);]
 - (d) section 87 of the School Standards and Framework Act 1998 (no requirement to admit children permanently excluded from two or more schools);
 - (e) section 101(1) of the Education Act 2002 (basic curriculum for every maintained school);
 - [^{F2}(ea) section 109 of that Act (implementation of the National Curriculum in maintained schools);

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- (eb) section 110 of that Act (implementation of the National Curriculum in nursery schools etc.);
 - (ec) sections 116A to 116K of that Act (the local curricula);]
 - (f) sections 28(1), 39(2), 40, 42(2) and 50(4) of, and paragraph 2(1) and (2) of Schedule 6 to, the Education Act 2005 (provisions relating to inspections);
 - (g) regulation 12 of the Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2016 (S.I. 2016/88 (w.42)) (annual progress reports), so far as it requires an annual report for the years 2020 and 2021.
 - [^{F3}(ga) sections 13(1), 14(10), 19(7), 23(1) and 24(1) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (provisions relating to individual development plans);]
 - [^{F4}(h) the National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004 (S.I. 2004/2915 (W. 254));
 - (i) the National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005 (S.I. 2005/1394 (W. 108));
 - (j) the Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013 (S.I. 2013/433 (W. 51));
 - (k) the National Curriculum (Assessment Arrangements for the Foundation Phase and the Second and Third Key Stages) (Wales) Order 2014 (S.I. 2014/1999 (W. 200));
 - (l) the National Curriculum (Moderation of Assessment Arrangements for the Second and Third Key Stages) (Wales) Order 2015 (S.I. 2015/1309 (W. 113));
 - (m) the National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) Order 2015 (S.I. 2015/1596 (W. 195)).]
 - [^{F5}(n) regulations 3 and 4 of the Changing of School Session Times (Wales) Regulations 2009 (S.I. 2009/572 (W. 54))]
- (6) This is the table referred to in sub-paragraph (1)(b)—

<i>Act, Measure or Enactment statutory instrument</i>	<i>Authorised modification</i>
The Further and Higher Education Act 1992	Section 44 (collective worship) Any duty imposed on a person by section 44 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Section 3 (definition of “pupil”) A person is not for the purposes of the Education Act 1996 to be treated as a pupil at a school merely because any education is provided for that person at the school on a temporary basis for reasons relating to the incidence or transmission of coronavirus.

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Education Act 1996	Section 14 (functions in respect of primary and secondary schools)	Any duty imposed on a person by section 14 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Section 19 (exceptional provision of education in pupil referral units or elsewhere)	Any duty imposed on a person by or under section 19 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Section 324 (statement of special educational needs)	Any duty imposed on a person by section 324(5) (a) or (b) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Section 328 (review of educational needs)	Any duty imposed on a person by or under section 328 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Sections 512 to 512ZB (school meals)	Any duty imposed on a person by sections 512 to 512ZB is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
[^{F6} School Standards and Framework Act 1998	Section 69 (duty to secure due provision of religious education)	Any duty imposed on a person by section 69(1) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1997	Section 43 (provision of careers education in schools in Wales)	Any duty imposed on a person by section 43(3) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.]
School Standards and Framework Act 1998	Section 70 (requirements relating to collective worship)	Any duty imposed on a person by section 70 is to be treated as discharged

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		if the person has used reasonable endeavours to discharge the duty.
School Standards Framework Act 1998	and Section (determination admission numbers)	89A Section 89A has effect of as if subsections (1) and (3) were omitted and in subsection (2) for “Such a determination under section 89 may also” there were substituted “A determination under section 89 may ” and paragraph (b) (and the preceding “and”) were omitted.
School Standards Framework Act 1998	and Section 99 (general restriction on selection by ability or aptitude)	Section 99 has effect as if subsections (2) and (4), and the words from “unless” to the end in subsection (3), were omitted.
School Standards Framework Act 1998	and Section 118 (duty of local authority as respects availability of nursery education)	Any duty imposed on a local authority by section 118 is to be treated as discharged if the local authority has used reasonable endeavours to discharge the duty.
Learning and Skills Act 2000	Sections 31 and 32 (education and training for those aged 16 to 19 and those over 19)	Any duty imposed on the Welsh Ministers by section 31 or 32 is to be treated as discharged if the Welsh Ministers have used reasonable endeavours to discharge the duty.
Learning and Skills Act 2000	Section 35 (financial resources: conditions)	Section 35 has effect, where a temporary closure direction or temporary continuity direction (under Schedule 16 or 17 to the Coronavirus Act 2020) applies in relation to a person, as if it authorised the Welsh Ministers to vary the conditions imposed, or impose additional conditions, under that section in relation to financial resources

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		secured to that person under section 34.
Learning and Skills Act 2000	Section 140 (duty on the Welsh Ministers to arrange an assessment of a person with SEN in particular circumstances)	Any duty imposed on a person by section 140 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
[^{F7} Education Act 2002	Section 101 (basic curriculum for every maintained school in Wales)	Any duty imposed on a person by virtue of section 101 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.]
Education Act 2002	Section 108 (establishment of National Curriculum for Wales by Order)	Section 108 has effect as if it provided that any duty imposed on a person by an order under that section is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
[^{F8} Education Act 2002	Section 109 (implementation of the National Curriculum for Wales in schools)	Any duty imposed on a person by section 109 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 2002	Section 110 (implementation of the National Curriculum for Wales in respect of nursery schools etc)	Any duty imposed on a person by section 110 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 2002	Sections 116A to 116K (the local curricula)	Any duty imposed on a person by or under sections 116A to 116K is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.]
Education Act 2002	Section 166(2) (time limit for appeals by proprietor against decisions relating to registered schools)	The period for bringing an appeal is to be treated as increased from 28 days to 3 months.
Education Act 2005	Section 28 (duty to arrange regular inspections)	The duty imposed by section 28(1) is to be treated as discharged if the

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		Chief Inspector has used reasonable endeavours to discharge the duty.
Education Act 2005	Section 39 (measures to be taken by appropriate authority)	The duty imposed on a person by virtue of section 39(2) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 2005	Section 40 (statement prepared by a local authority)	Any duty imposed on a local authority by section 40 is to be treated as discharged if the local authority has used reasonable endeavours to discharge the duty.
Education Act 2005	Section 42 (statement to be prepared by proprietor of school)	The duty imposed on a person by virtue of section 42(2) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 2005	Section 50 (inspection of religious education: Wales)	The duty imposed on a person by section 50(4) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 2005	Paragraph 2(1) and (2) of Schedule 6 (procedure for inspections under section 50)	Any duty imposed on a person by paragraph 2(1) or (2) is treated as discharged if the person has used reasonable endeavours to discharge the duty.
Childcare Act 2006	Section 24 (arrangements between local authority and childcare providers)	Any duty imposed on a Welsh local authority by section 24 is to be treated as discharged if the Welsh local authority has used reasonable endeavours to discharge the duty; and section 24(2) has effect as if after “securing that” there were inserted “so far as reasonably practicable”.

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Childcare Act 2006	Section 27 (duty to provide information, advice and assistance)	Any duty imposed on a Welsh local authority by section 27 is to be treated as discharged if the Welsh local authority has used reasonable endeavours to discharge the duty.
Children and Families (Wales) Measure 2010	Section 45 (supply of information to local authorities)	Any duty imposed on the Welsh Ministers under section 45(1) is to be treated as discharged if the Welsh Ministers have used reasonable endeavours to discharge the duty.
Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2016 (S.I. 2016/88 (W.42))	Regulation 3 (duty to prepare and publish assessments)	Regulation 3(3) has effect as if after “intervals” there were inserted “subject to any direction given by the Welsh Ministers to prepare and publish an assessment at another time”.
Child Minding and Day Care (Wales) Regulations 2010 (S.I. 2010/2574 (W.214))	The whole instrument	The Regulations have effect as if they included a Regulation in the following terms “The Welsh Ministers may, by notice in writing, relax any of the requirements of regulations 3, 4, 5, 12, 14, 15 or 16, or of paragraph 9 or 33 of Schedule 1, where to do so is a necessary and proportionate response to the incidence or transmission of coronavirus (and those requirements are to be read subject to any such relaxation).”
[^{F9} School Organisation Code made by the Welsh Ministers under sections 38 of the School Standards and Organisation (Wales) Act 2013 (Statutory Code Document Number 011/18)	Paragraph (consultation document)	3.4 Paragraph 3.4 has effect as if the references to “school day” include a day on which there would have been a school session but for any restriction on the attendance of pupils at the school in connection with the prevalence of coronavirus.

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School Organisation Code Paragraph made by the Welsh (consultation Ministers under sections children and 38 of the School Standards young and Organisation (Wales) people) Act 2013 (Statutory Code Document Number 011/18)	Paragraph 3.5 Any duty imposed on a with person by paragraph 3.5 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
School Organisation Code Paragraph 4.1 (manner of Paragraph 4.1 has effect as made by the Welsh publication) if the references to “school Ministers under sections day” include a day on 38 of the School Standards which there would have and Organisation (Wales) been a school session but Act 2013 (Statutory for any restriction on the Code Document Number attendance of pupils at 011/18) the school in connection with the prevalence of coronavirus.]	

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- (7) The specified period in a notice under sub-paragraph (1) must not exceed one month.
- (8) The Welsh Ministers may by notice (a “cancellation notice”) cancel a notice under sub-paragraph (1) with effect from the time specified in the cancellation notice.
- (9) A cancellation notice may contain transitional or saving provision.
- (10) Where a notice under sub-paragraph (1) modifies section 166(2) of the Education Act 2002 in the manner specified in the table in sub-paragraph (6), that modification continues to have effect in relation to any notice of a refusal, determination or order mentioned in section 166(2) of that Act served during the specified period in the notice under sub-paragraph (1) (except that if the notice under sub-paragraph (1) is cancelled, that specified period is treated as having ended at the time the cancellation of the notice takes effect under sub-paragraph (8)).
- (11) Nothing in sub-paragraph (7) or (8) prevents the making of a further notice in relation to any provision.
- (12) Subject to sub-paragraph (13), the Welsh Ministers must—
- (a) publish a notice under this paragraph, and
 - (b) take such other steps as the Welsh Ministers consider reasonable to bring the notice to the attention of those persons likely to be affected by it.
- (13) Where the notice relates to a person specified by name—
- (a) the Welsh Ministers must give a copy of the notice to that person, and
 - (b) the published version of the notice must not identify any individual without their consent.
- (14) In this paragraph—
- “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978), and includes an enactment whenever passed or made;
- “specified”, in relation to a notice under sub-paragraph (1), means specified in the notice.

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Editorial Information

- X1** The power conferred under this provision to issue or cancel a notice may be exercised by means of a notice published in [The Gazette](#)

Textual Amendments

- F1** Sch. 17 para. 7(5)(ca) inserted (23.6.2020) by [The Curriculum Requirements \(Amendment of paragraph 7\(5\) of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/624\)](#), regs. 1(2), **2(a)**
- F2** Sch. 17 para. 7(5)(ea)-(ec) inserted (23.6.2020) by [The Curriculum Requirements \(Amendment of paragraph 7\(5\) of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/624\)](#), regs. 1(2), **2(b)**
- F3** Sch. 17 para. 7(5)(ga) inserted (1.9.2021) by [The Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(Consequential Amendments\) Regulations 2021 \(S.I. 2021/861\)](#), regs. 1, **11(2)**
- F4** Sch. 17 para. 7(5)(h)-(m) inserted (23.6.2020) by [The Curriculum Requirements \(Amendment of paragraph 7\(5\) of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/624\)](#), regs. 1(2), **2(c)**
- F5** Sch. 17 para. 7(5)(n) inserted (25.6.2020 at 12.00 p.m.) by [The Maintained Schools \(Amendment of paragraph 7 of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/640\)](#), regs. 1(2), **2(2)**
- F6** Words in Sch. 17 para. 7(6) Table inserted (26.8.2020) by [The Curriculum Requirements \(Amendment of paragraph 7\(6\) of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/891\)](#), regs. 1(2), **2(2)**
- F7** Words in Sch. 17 para. 7(6) Table inserted (26.8.2020) by [The Curriculum Requirements \(Amendment of paragraph 7\(6\) of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/891\)](#), regs. 1(2), **2(3)**
- F8** Words in Sch. 17 para. 7(6) Table inserted (26.8.2020) by [The Curriculum Requirements \(Amendment of paragraph 7\(6\) of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/891\)](#), regs. 1(2), **2(4)**
- F9** Words in Sch. 17 para. 7(6) Table inserted (25.6.2020 at 12.00 p.m.) by [The Maintained Schools \(Amendment of paragraph 7 of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/640\)](#), regs. 1(2), **2(3)**

Modifications etc. (not altering text)

- C1** Sch. 17 para. 7 continued to 24.9.2022 (23.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Wales\) Regulations 2022 \(S.I. 2022/348\)](#), regs. 1(2), **2(2)(c)(iv)**

- 8 (1) The Welsh Ministers may by regulations amend the list in paragraph 7(5) or the table in paragraph 7(6) so as to add an enactment relating (directly or indirectly) to children, education or training, or to vary or remove an entry.
- (2) The power to make regulations under this paragraph is exercisable by statutory instrument.
- (3) Regulations under this paragraph may—
- make different provision for different purposes;
 - contain transitional, transitory or saving provision.
- (4) A statutory instrument containing regulations under this paragraph must be laid before the National Assembly for Wales as soon as reasonably practicable after being made.

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- (5) Regulations contained in an instrument laid before the National Assembly for Wales by virtue of sub-paragraph (4) cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made, unless within that period the instrument is approved by a resolution of the National Assembly for Wales.
- (6) In calculating the period of 40 days, no account is to be taken of any time during which the National Assembly for Wales is—
- (a) dissolved, or
 - (b) in recess for more than 4 days.
- (7) Where regulations cease to have effect as a result of sub-paragraph (5), that does not—
- (a) subject to sub-paragraph (8), affect anything previously done under or by virtue of the regulations, or
 - (b) prevent the making of new regulations.
- (8) Where a notice has been given under paragraph 7 by virtue of the regulations and the regulations cease to have effect during the specified period set out in that notice, the specified period is treated as ending at the time the regulations cease to have effect.

Modifications etc. (not altering text)

- C2** Sch. 17 para. 8 continued to 24.9.2022 (23.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Wales\) Regulations 2022 \(S.I. 2022/348\)](#), regs. 1(2), **2(2)(c)(v)**

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