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WELSH STATUTORY INSTRUMENTS

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**2017 No. 965 (W. 248)**

**EDUCATION, WALES**

**The Education (Hazardous Equipment in Schools)  
(Removal of Restrictions on Use) (Wales) Regulations 2017**

<i>Made</i>	- - - -	<i>3 October 2017</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>5 October 2017</i>
<i>Coming into force</i>	- -	<i>1 November 2017</i>

The Welsh Ministers in exercise of the powers in sections 347(2), 544(2), 546 and 569(4) and (5) of the Education Act 1996(1), and in sections 203(3) and 210(1) of the Education Act 2002(2), and now exercisable by them make the following Regulations:

**Title, commencement and application**

1.—(1) The title of these Regulations is the Education (Hazardous Equipment in Schools) (Removal of Restrictions on Use) (Wales) Regulations 2017.

(2) These Regulations come into force on 1 November 2017.

(3) These Regulations apply in relation to Wales.

**Commencement Information**

**II** Reg. 1 in force at 1.11.2017, see [reg. 1\(2\)](#)

**Revocation**

2. The following Regulations are revoked—

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- (1) 1996 c. 56. Section 546 was amended by paragraph 162 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31) and by S.I. 2011/1158. Section 563 was amended by paragraph 172 of Schedule 30 to that Act. The functions in sections 347, 544, 546 and 569 of the Education Act 1996 were conferred on the Secretary of State and transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and are now vested in the Welsh Ministers by paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (2) 2002 c. 32. Section 203(5) was amended by paragraph 13(1) and (5)(b) of Schedule 13 to the Education Act 2011 (c. 21). The functions in section 203 of the Education Act 2002 were conferred on the National Assembly for Wales and are now vested in the Welsh Ministers by paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006.

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Education (Hazardous Equipment in Schools) (Removal of Restrictions on Use) (Wales) Regulations 2017*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (a) the Education (Schools and Further and Higher Education) Regulations 1989<sup>(3)</sup>; and
- (b) the Education (Schools and Further and Higher Education) (Amendment) (Wales) Regulations 2001<sup>(4)</sup>.

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**Commencement Information**

**I2** Reg. 2 in force at 1.11.2017, see [reg. 1\(2\)](#)

**Amendment of the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994**

**3.** In Schedule 1 to the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994<sup>(5)</sup> omit paragraph 7.

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**Commencement Information**

**I3** Reg. 3 in force at 1.11.2017, see [reg. 1\(2\)](#)

3 October 2017

*Kirsty Williams*  
Cabinet Secretary for Education, one of the  
Welsh Ministers

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(3) S.I. 1989/351 as amended by S.I. 2001/692 and S.I. 2004/57. These Regulations were revoked in relation to England by S.I. 2008/1701.  
(4) S.I. 2001/3708 (W. 304).  
(5) S.I. 1994/651. These Regulations were revoked in relation to England by S.I. 2008/1701.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke the Education (Schools and Further and Higher Education) Regulations 1989 (“the 1989 Regulations”) (regulation 2). This removes the requirement in the 1989 Regulations—

- (a) for maintained schools, non maintained schools and further education institutions to obtain the Welsh Ministers approval before using for the purposes of instruction certain radioactive substances and certain apparatus (“the Requirement”); and
- (b) for hostels for pupils with special educational needs to be inspected. There are no longer any such hostels in Wales and the requirement for inspection is therefore redundant.

The Requirement also applied to higher education institutions. However, following the repeal of section 218(1)(e), (f) and (7) of the Education Reform Act 1988 by Part 3 of Schedule 2 to the Education Act 2002 the Requirement no longer applies to higher education institutions.

These Regulations also remove the requirement in the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994 for independent schools approved under section 347 of the Education Act 1996 to notify the Welsh Ministers in writing before using such substances and apparatus for the purposes of instruction (regulation 3).

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.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Regulations revoked by [S.I. 2021/933 reg. 7\(d\)](#)