

**2007 No. 3564 (W.314)**

**EDUCATION, WALES**

**The Education (School  
Performance Information) (Wales)  
(Amendment) Regulations 2007**

**EXPLANATORY NOTE**

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

These Regulations make minor amendments to the Education (School Performance Information) (Wales) Regulations 2004 (“the 2004 Regulations”).

Regulation 2(4) amends paragraph 2 of Schedule 1 to the 2004 Regulations so that it is no longer possible for a governing body to record a pupil’s absence as the reason for not providing the results of all or some of their statutory assessments. Instead the amended paragraph 2 of Schedule 1 to the 2004 Regulations provides that a governing body may record that a pupil’s statutory assessments are not available or only partly available for reasons other than the pupil being exempted under sections 113 or 114 of the Education Act 2002.

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*Made* *17 December 2007*

*Laid before the National*

*Assembly for Wales* *20 December 2007*

*Coming into force* *14 January 2008*

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 29(3), 408, 537, 537A(1) and (2) and 569(4) and (5) of the Education Act 1996<sup>(1)</sup> and now vested in them<sup>(2)</sup> and after consulting with those persons with whom consultation appeared to the Welsh Ministers to be desirable pursuant to section 408(5) of the Education Act 1996 make the following Regulations.

**Name, commencement and application**

**1.**—(1) These Regulations are called the Education (School Performance Information) (Wales) (Amendment) Regulations 2007 and come into force on 14 January 2008.

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(1) 1996 c.56. Section 29(3) was substituted by paragraph 67 of Schedule 30 to the School Standards and Framework Act 1998 (c.31). Section 408 was amended by paragraph 30 of Schedule 7 and Schedule 8 to the Education Act 1997 (c.44), paragraphs 57 and 106 of Schedule 30 and Schedule 31 to the School Standards and Framework Act 1998 and paragraph 57 of Schedule 9 to the Learning and Skills Act 2000 (c.21). Section 537 was amended by paragraph 37 of Schedule 7 to the Education Act 1997, paragraphs 57 and 152 of Schedule 30 to the School Standards and Framework Act 1998 and paragraph 60 of Schedule 9 to the Learning and Skills Act 2000. Section 537A was substituted by paragraph 153 of Schedule 30 to the School Standards and Framework Act 1998. For the meaning of "prescribed" and "regulations" see section 579(1) of the Education Act 1996.

(2) The functions of the Secretary of State were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(2) These Regulations apply in relation to Wales.

**Amendments to the Education (School Performance Information) (Wales) Regulations 2004**

2.—(1) The Education (School Performance Information) (Wales) Regulations 2004<sup>(1)</sup> are amended in accordance with paragraphs (2) to (6) below.

(2) In regulation 2(3) delete sub-paragraph (b).

(3) For regulation 7 and its heading substitute the following —

**“Provision of key stage assessment results to the Welsh Ministers**

On or before the date specified in the Statutory Assessment and Reporting Arrangements guidance the authority must each year provide the Welsh Ministers with the information relating to the statutory assessments referred to in Schedule 1 in relation to all the schools which it maintains which have registered pupils in the first key stage who are eligible for statutory assessments in the reporting school year.”.

(4) For paragraph 2 of Schedule 1 substitute the following paragraph —

“In respect of each such pupil, the results of the pupil’s statutory assessments and where some or all of those results are not available whether the pupil was exempted from the assessments under sections 113 or 114 of the 2002 Act or whether the results of the pupil’s assessments are not available for reasons other than the pupil’s exemption under sections 113 or 114 of the 2002 Act.”.

(5) In paragraph 1 in Part 1 of Schedule 3 delete sub-paragraph (e).

(6) In paragraph 2 in Part 2 of Schedule 3 delete sub-paragraph (e).

*Jane Hutt*

The Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

17 December 2007

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<sup>(1)</sup> S.I. 2004/1025 (W.122), as amended by S.I. 2004/2914 (W.253), S.I. 2005 /1396 (W.110) and S.I. 2005/3239 (W.244).

