

EXPLANATORY MEMORANDUM TO THE DRAFT CONTROL OF SCHOOL PREMISES (WALES) (AMENDMENT) REGULATIONS 2008

This Explanatory Memorandum has been prepared by the Department for Children, Education, Lifelong Learning and Skills and is laid before the National Assembly for Wales.

- (i) **Description** – These amending regulations correct an editing error in Regulation 10(a) of the Welsh version of the Control of School Premises (Wales) Regulations 2008.
- (ii) **Matters of special interest to the Subordinate Legislation Committee** – to note the explanation for the error in the Welsh version of the Control of School Premises (Wales) Regulations 2008 and the proposed amendment in the amending regulations.
- (iii) **Legislative Background** – These amending regulations have been made under sections 31 and 210(7) of the Education Act 2002 which have been transferred to Welsh Ministers. The regulations are subject to the negative resolution procedure.
- (iv) **Purpose and intended effect of the legislation** – The Welsh text of regulation 10(a) of the Control of School Premises (Wales) Regulations 2008, contains the following phrase:

'neu benderfyniad a wneir yn unol â pharagraff 62 neu 63 o Atodlen 8 i Ddeddf Addysg Bellach ac Uwch 1992 . Meaning Or a decision made in accordance with paragraph 62 or 63 of Schedule 8 to the Further and Higher Education Act 1992 '.

This is a translation/editing error. There is no reference to this particular legislation in the English version of the regulations as it has no connection with the policy on the control of school premises. It is irrelevant and needs to be removed from the Welsh text.

The purpose of the amending regulations is to correct this position in the Welsh version of the Control of School Premises (Wales) Regulations 2008.

- (v) **Implementation** – In order to ensure there is no confusion when the Control of School Premises (Wales) Regulations 2008 come into force on 31 March 2008, the Control of School Premises (Wales) (Amendment) Regulations 2008 should be made and brought into force to coincide with the coming into force date of the main regulations, which is 31 March 2008.
- (vi) **Consultation** – It is not intended to carry out a consultation on these regulations as they are amending an editing error. For

this reason a Regulatory Impact Appraisal is not required and has not been prepared.