

# Subordinate Legislation Committee

## Report (SLC(3) 18-08)

**Date:** 15 July 2008  
**Time:** 8.45am  
**Venue:** Committee Room 2, Senedd

## CONTENTS

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The Committee met on 15 July 2008. At the meeting the following Committee Members were present: Dr Dai Lloyd AM, Eleanor Burnham AM, Andrew RT Davies AM, Alun Davies AM, Joyce Watson AM.

The Committee reports to the Assembly as follows:

**Instruments and draft instruments in respect of which the Assembly is not invited to pay special attention under Standing Order 15.2**

**Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)**

**SLC175 - The Plastic Materials and Articles in Contact with Food (Wales) (No.2) Regulations 2008**

Negative Procedure. Date made 27 June 2008. Date laid 27 June 2008. Coming into force date: for the purpose of regulation 30(a) - 30 June 2008; for all other purposes - 1 July 2008.

**SLC176 - The Childcare Act 2006 (Provision of Information) (Wales) (Amendment) Regulations 2008**

Negative Procedure. Date made 28 June 2008. Date laid 1 July 2008. Coming into force date 31 July 2008.

**SLC178 – The Education (Disapplication of the National Curriculum for Wales at Key Stage 1) (Wales) Regulations 2008**

Negative Procedure. Date made 1 July 2008. Date laid 3 July 2008. Coming into force date - in accordance with regulation 1(2).

**SLC179 – The Education (School Day and School Year) (Wales) (Amendment) Regulations 2008**

Negative Procedure. Date made 1 July 2008. Date laid 3 July 2008. Coming into force date 1 August 2008.

**SLC180 - The Education (National Curriculum) (Attainment Targets and Programmes of Study) (Wales) (Amendment) Order 2008**

Negative Procedure. Date made 5 July 2008. Date laid 8 July 2008. Coming into force date 1 August 2008.

**Instruments and Draft Instruments in respect of which the Assembly is invited to pay special attention under Standing Order 15.2**

**Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)**

**SLC177 - The Education (National Curriculum) (Foundation Stage) (Wales) Order 2008**

Negative Procedure. Date made 1 July 2008. Date laid 3 July 2008. Coming into force date - in accordance with article 1(2).

The Committee's Report under S.O.15.2 on Statutory Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure) is attached as Annex 1 to this Report.

### **Other items of business**

The Members discussed the monitoring of the outcome of the Committee's reports on subordinate legislation under Standing Orders 15.2 - 15.6 and agreed to review the outcome of the reports on an annual basis in order to assess the effectiveness of its scrutiny work. The Committee agreed write to the Counsel General to request to facilitate the monitoring exercise. It has been agreed that the Committee should monitor the patterns that emerge from the points reported throughout the year.

**Dr Dai Lloyd AM**

Chair, Subordinate Legislation Committee

**15 July 2008**

## **Annex 1**

### **Subordinate Legislation Committee**

**(SLC(3)-18-08)**

**SLC177**

#### **Subordinate Legislation Committee Report**

**Under Standing Order 15.2 the Assembly is invited to pay special attention to the following instrument.**

**Title: The Education (National Curriculum) (Foundation Stage) (Wales) Order 2008**

This Order provides for the introduction, in stages, of the foundation phase for pupils in Wales. The foundation stage will be introduced for the first year of the foundation stage on 1 August 2008, for the second year of the foundation stage on 1 August 2009, for the third year of the foundation stage on 1 August 2010 and for the fourth year of the foundation stage on 1 August 2011. This Order also specifies the period of the foundation stage and gives legal effect to areas of learning, which set out the desirable outcomes and educational programmes.

#### **Procedure: Negative**

The following points have been identified for reporting under Standing Order 15.2.

1. The Welsh text of article 3(1) is defective. The purpose of the text is to give effect to provisions that specify the areas of learning, desirable outcomes and educational programmes for the foundation stage. As currently drafted, the wording of the Welsh text does not achieve its objective, and fails to mirror the English text, due to the omission of crucial wording at the beginning of the article. The problem could be overcome by substituting “Mae'r” for “Y” at the beginning of each article. It is recommended that this defect be remedied at the next available opportunity.

[Standing Order 15.2 vi and vii]

**Dr Dai Lloyd AM**

Chair, Subordinate Legislation Committee

**15 July 2008**

**Government have responded as follows:-**

The Government agrees with the reporting point and will make amending legislation to correct the error within 6 months of the commencement date of the Regulations.