

## **Explanatory Memorandum to the Persons Providing Education at Further Education Institutions in Wales (Conditions) (Amendment) Regulations 2009**

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 in accordance with Standing Order 15.2.

### **(i) Description –**

This instrument corrects drafting errors made in the original The Education (Miscellaneous Amendments Relating to Safeguarding Children) (Wales) Regulations 2009 (WSI 2009/2544 (W.206))

### **(ii) Matters of special interest to the Subordinate Legislation Committee**

This submission is required to support the publication of Regulations (S.I 2009 No. 2544 (W.206)) which corrects two drafting errors in the text of the original Regulations that were highlighted by the Subordinate Legislation Committee and reported under Standing Order 15.2.

### **(iii) Legislative Background –**

The Regulations are made using powers of the Welsh Ministers under Sections 136(c), 210(7) and 214(1) and (2) of the Education Act 2002, which include provision for Welsh Ministers to make regulations in a number of areas and follows the negative resolution procedure.

### **(iv) Purpose and intended effect of the legislation –**

The original Regulations amends a series of Welsh Regulations made to various sets of regulations under the Education Act 1996, the School Standards and Framework Act 1998 and the Education Act 2002 to reflect changes that will arise as a result of the commencement on 12 October 2009 of the barring provisions in the Safeguarding Vulnerable Groups Act 2006 (“the SVGA”) and the commencement of new provisions (inserted by the SVGA) in the Police Act 1997.

Regulation 8(2)(a)(ii) of the English text of the 2009 Regulations duplicates a reference to the Police Act 1997 by referring to the “Police Act 1997” and then by referring to “that Act”; and

Regulation 8(2)(a)(ii) of the Welsh text of the 2009 Regulations omits a reference to the Deddf yr Heddlu 1997 and instead refers to “that Act”.

### **(v) Implementation –**

Correction of the relevant drafting errors will avoid ambiguity.

### **(vi) Consultation –**

Consultation not required as the minor changes required will not affect stakeholders.

### **(vii) Regulatory Impact Assessment –**

A Regulatory Impact Assessment has not been prepared as the amendment referred to in this Order has no impact on the costs of business.