
WELSH STATUTORY INSTRUMENTS

2004 No. 1743 (W.182)

EDUCATION, WALES

The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2004

<i>Made</i>	- - - -	<i>6 July 2004</i>
<i>Coming into force</i>		
<i>regulations 1, 2 and 5</i>		<i>1 August 2004</i>
<i>regulations 3, 4 and 6</i>		<i>1 September 2004</i>

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by section 214 of the Education Act 2002(1).

Name, commencement and application

1.—(1) These Regulations are called the Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2004.

(2) This regulation and regulations 2 and 5 come into force on 1 August 2004.

(3) Regulations 3, 4 and 6 come into force on 1 September 2004.

(4) These Regulations apply to Wales.

Interpretation

2.—(1) In these Regulations —

“the 1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998(2); and

“the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002.

(2) In these Regulations references to sections and Schedules are references to, respectively, sections of and Schedules to the 2002 Act.

Government of maintained schools

3. During the period beginning on 1st September 2004 and ending immediately before the beginning of the day on which the definition of “maintained school” in section 39 comes into force

(1) 2002 c. 32.
(2) 1998 c. 31.

in relation to Wales, references in sections 21 and 30 to a maintained school are to have effect as if they were references to a maintained school as defined by section 20(7) of the 1998 Act.

Modification of section 127(6) of the 1998 Act

4. In section 127(6) of the 1998 Act⁽³⁾ insert after paragraph (m) the following —
“(n) section 30(3) and (4) of that Act (Governors' reports and other information),”.

Proposals relating to sixth forms

5. During the period beginning on 1st August 2004 and ending immediately before the beginning of the day on which the repeal of Schedule 23 to the 1998 Act (made by section 215(2) and Part 3 of Schedule 22) comes into force in relation to Wales, paragraph 2 of Schedule 23 to the 1998 Act is to have effect as though —

- (a) in sub-paragraphs (1), (2) and (3) there were substituted for the words “under section 28 or paragraph 5 of Schedule 7”, the words “under any enactment”, and
- (b) at the end of sub-paragraph (3)(b) there were added the words “, or by the relevant authority under section 113A(5) of, or paragraph 1 of Schedule 7A to, the Learning and Skills Act 2000(4)”.

Amendment of the Education (Inspection of Nursery Education) (Wales) Regulations 1999

6. Regulation 4(1) of the Education (Inspection of Nursery Education) (Wales) Regulations 1999⁽⁵⁾ is amended by inserting after the words “inspected by” the words “a member of the Inspectorate or”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁶⁾

6 July 2004

D. Elis-Thomas
The Presiding Officer of the National Assembly

(3) Amended by paragraph 110 of Schedule 21 to the 2002 Act.

(4) Section 113A of, and Schedule 7A to, the Learning and Skills Act 2000 are inserted by section 72 of, and Schedule 9 to, the 2002 Act, on 1st August 2004 (see S.I.2004/1728 (W.172) (C.67)).

(5) S.I. 1999/1441.

(6) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make transitional provisions in connection with the bringing into force of provisions of the Education Act 2002 by the Education Act 2002 (Commencement No. 5) (Wales) Order 2004. They also make consequential amendments.

References below to sections and Schedules (without more) are references to sections of and Schedules to the Education Act 2002.

Regulation 3 makes provision in connection with the coming into force of section 21 (general responsibility for conduct of schools) and section 30 (governors' reports and other information). Until the definition of maintained school in section 39 (which includes a maintained nursery school) comes into force, the references in sections 21 and 30 to a maintained school are to have effect as if they were references to a maintained school as defined in the School Standards and Framework Act 1998 ("the 1998 Act"), which does not include a maintained nursery school.

Regulation 4 amends section 127 of the 1998 Act by adding to the list of relevant functions to be covered by the Code of Practice on effective relationships between LEAs and schools, reports by governing bodies and head teachers made under section 30. The new paragraph (n) that is prospectively inserted in section 127(6) of the 1998 Act by paragraph 110(3)(c) of Schedule 21 is defective, and it is not intended that paragraph 110(3)(c) be brought into force in relation to Wales in so far as it relates to paragraph (n).

Regulation 5 provides that until Schedule 23 to the 1998 Act is repealed (which makes provision in relation to standard numbers for admission to maintained schools), the references in paragraph 2 of that Schedule to proposals made under provisions of the 1998 Act are to have effect as though they were references to proposals made under any enactment. This will include proposals made in relation to sixth forms by the National Council for Education and Training for Wales under section 113A of the Learning and Skills Act 2000 (as inserted by section 72).

Regulation 6 amends the Education (Inspection of Nursery Education) (Wales) Regulations 1999 consequential on the coming into force of Schedule 14 so as to refer to inspections by members of the Inspectorate, as well as by registered nursery inspectors.