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WELSH STATUTORY INSTRUMENTS

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**2007 No. 3611 (W.318) (C.157)**

**EDUCATION, WALES**

**The Education Act 2002 (Commencement No. 11 and  
Transitional and Savings Provisions) (Wales) Order 2007**

*Made - - - - 20 December 2007*

The Welsh Ministers, in exercise of the power conferred upon the National Assembly for Wales by section 216(4)(b) and (5) of the Education Act 2002<sup>(1)</sup> and now vested in them<sup>(2)</sup>, make the following Order:

**Title, application and interpretation**

1. The title of this Order is the Education Act 2002 (Commencement No. 11 and Transitional and Savings Provisions) (Wales) Order 2007.
2. Provisions brought into force by this Order are brought into force in relation to Wales.
3. In this Order, unless otherwise stated, references to sections and Schedules are references to sections of, and Schedules to, the Education Act 2002.

**Appointed days**

- 4.—(1) The day appointed for the coming into force of the provisions specified in Part 1 of the Schedule to this Order is 2 January 2008.
- (2) The day appointed for the coming into force of the provisions specified in Part 2 of the Schedule to this Order is 31 March 2008.

**Transitional and savings provisions**

5. Part 3 of the Schedule to this Order (Transitional and savings provisions) applies.

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(1) 2002 c. 32.

(2) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

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20 December 2007

*Jane Hutt*  
Minister for Children, Education, Lifelong  
Learning and Skills, one of the Welsh Ministers

## THE SCHEDULE

Articles 4 and 5

**PART 1**

## Provisions coming into force on 2 January 2008

<i>Provision</i>	<i>Subject matter</i>
Section 18(1)	Repeal of grant making powers
Section 26	Collaboration between schools
Section 31 for the purpose of making regulations	Control of school premises
Section 38	Communication with schools
Sections 57 to 59	Interim executive members
Section 75 fully	School reorganisation
Section 146 fully	Repeal of sections 218 and 218A of Education Reform Act 1988
Section 151(1)	Childcare functions
Section 152 fully	Regulation of child minding and day care
Section 178(2)	Training and education in the workplace
Section 187	Education action zones
Section 215 in so far as it relates to the provisions of Schedules 21 and 22 below	Minor and consequential amendments and repeals
Schedule 6	Interim executive members
Schedule 10 fully	School reorganisation
Schedule 13, paragraph 4	Child minding and day care
Schedule 15	Education action zones
Schedule 21, paragraphs 3, 5, 6, 7, 10, 15, 55, 69, 71, 79, 80, 82, 84, 90, 111, 115 (5)(b), 124(1) and (2), 126(3) fully	Consequential and minor amendments
In Part 3 of Schedule 22, the repeals of — Education Act 1967 Sex Discrimination Act 1975, in Schedule 2, paragraph 4. Education (Fees and Awards) Act 1983, section 1(6). Education Act 1986, section 1(1)(b) and the word “and” immediately preceding it; sections 2 to 4. Education Reform Act 1988, sections 160, 210, 211, 218 (fully).	Repeals

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<i>Provision</i>	<i>Subject matter</i>
Environment Protection Act 1990, section 98(2)(c)(ii).	
Further and Higher Education Act 1992, in section 37, subsection (1)(b) and the word “or” immediately preceding it and subsections (8)(a) and (9), in Schedule 8, paragraphs 46, 47, 49, 83.	
Education Act 1994, in Schedule 2, paragraph 8(4).	
Nursery Education and Grant Maintained Schools Act 1996.	
Education Act 1996, in section 318, in subsection (3A) paragraph (b) and the word “or” immediately preceding it, in section 484, in subsection (2) the words “England and” and subsection (6), sections 486 to 488, section 491, in section 509A(5)(b), sub-paragraph (ii) and the word “or” immediately preceding it, in section 545(2)(a), the words “or section 218(7) of the Education Reform Act 1988”, in section 548(8), in paragraph (b), sub-paragraph (ii) and the word “or” preceding that sub-paragraph, in section 578, the entries relating to the Education Act 1967 and the Nursery Education and Grant Maintained Schools Act 1996, in Schedule 37, paragraph 13, paragraphs 76 and 131.	
Education Act 1997, section 49 (fully), in Schedule 7, paragraphs 8, 14, 27, 28.	
Teaching and Higher Education Act 1998, sections 10, 11, 13, 18, in Schedule 3, paragraph 5.	
School Standards and Framework Act 1998, sections 3, 10(3) and (7), in section 11, in subsection (2) the words from “and” to the end, and subsection (3), in Schedule 4, paragraph 5(4)(e), in Schedule 26, in paragraph 1, sub-paragraph (1)(c) and the word “or” preceding it, in Schedule 30, paragraphs 14, 17, 56, in paragraph 74 sub-paragraphs (2) and (3) and in sub-paragraph (4) paragraph (b) and the word “and” preceding it, paragraphs 85 to 90.	
Learning and Skills Act 2000, in Schedule 9, paragraphs 18, 58, in paragraph 59, sub-paragraph (7)(b) and (c) and (8), and paragraph 91.	

## PART 2

### Provisions coming into force on 31 March 2008

<i>Provision</i>	<i>Subject matter</i>
Section 31 fully	Control of school premises
Section 215(2) in so far as it relates to the provisions of Schedule 22 below	Repeals
In Part 3 of Schedule 22, the repeal of — School Standards and Framework Act 1998, section 40 and Schedule 13.	Repeals

## PART 3

### Transitional and savings provisions

1. Despite the coming into force of section 38, the duty to prepare and publish a report under section 38(3) does not apply in relation to any academic year earlier than the academic year 2008 to 2009.

2. Despite the repeal of section 218(1)(b) of the Education Reform Act 1988, the Further Education Teachers' Qualifications (Wales) Regulations 2002<sup>(3)</sup> remain in force (and may be amended or revoked by regulations made under section 136(a)).

3. Despite the repeal of section 218(1)(e) of the Education Reform Act 1988, regulations 4, 5 and 7 of, and Schedule 1 to, the Education (Schools and Further and Higher Education) Regulations 1989<sup>(4)</sup> remain in force (and may be amended or revoked by regulations made under section 203(3)).

## EXPLANATORY NOTE

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

This Order brings into force on 2 January 2008 and on 31 March 2008 those provisions of the Education Act 2002 specified in Parts 1 and 2 of the Schedule to the Order.

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

The effect of the provisions specified in Part 1 of the Schedule to the Order which come into force on 2 January 2008 is as follows—

The commencement of the remainder of section 18 repeals miscellaneous grant making powers (which were replaced by section 14 which was commenced on 31 March 2003).

<sup>(3)</sup> S.I. 2002/1663 (W. 158).

<sup>(4)</sup> S.I. 1989/351.

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Section 26 enables regulations to be made by the Welsh Ministers (in whom functions are now vested following the Government of Wales Act 2006) allowing governing bodies of schools to collaborate.

Section 31 relates to the control of school premises and is commenced for the purpose of making regulations.

Section 38 requires the Welsh Ministers to have regard to the desirability of avoiding sending excessive material to schools and imposing excessive administrative burdens. They will have to prepare a report in respect of each academic year of the documents sent to all governing bodies or head teachers in Wales.

Sections 57 to 59 and Schedule 6 enable a local education authority, where a school requires significant improvement or requires special measures or where the governing body have failed to comply with a warning notice, to appoint a specially constituted governing body (made up of interim executive members) to replace a school's existing governing body. The Welsh Ministers are also enabled to appoint such a governing body where a school requires significant improvement or requires special measures.

The commencement of the remainder of section 146 repeals section 218 of the Education Reform Act 1988 in full.

Other provisions consequential on the commencement of sections 18 and 146, and also provisions that apply only to England and have already been brought into force by the Secretary of State, but are included simply in order to ensure that the Education Act 2002 is fully commenced.

The effect of the provisions specified in Part 2 of the Schedule to the Order which come into force on 31 March 2008 is as follows—

Section 31 (which is commenced in full) enables the Welsh Ministers to make regulations about the control of school premises.

Section 215(2) and Schedule 22 (which are commenced in part) contain consequential repeals.

Part 3 of the Schedule to the Order contains transitional and savings provisions.

#### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

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

The following provisions of the Education Act 2002 have been brought into force in relation to Wales by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 14 to 17	31 March 2003	<a href="#">2002/3185 (W.301)</a>
Section 18(2)	31 March 2003	<a href="#">2002/3185 (W.301)</a>
Section 19(6) (partially)	1 September 2003	<a href="#">2003/1718 (W.185)</a>
Section 19 (1) to (7) (fully)	31 October 2005	<a href="#">2005/2910 (W.207)</a>
Section 20 (1) to (3), (5)	31 October 2005	<a href="#">2005/2910 (W.207)</a>
Sections 21 and 22	1 September 2004	<a href="#">2004/1728 (W.172)</a>
Section 23	31 October 2005	<a href="#">2005/2910 (W.207)</a>
Sections 27 and 28	1 September 2003	<a href="#">2003/1718 (W.185)</a>
Section 29	1 September 2003	<a href="#">2003/1718 (W.185)</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 30	1 September 2004	2004/1728 (W.172)
Section 32	1 September 2004	2004/1728 (W.172)
Sections 33 and 34	31 October 2005	2005/2910 (W.207)
Section 35	1 April 2006	2006/879 (W.84)
Section 36	1 April 2006	2006/879 (W.84)
Section 37	1 April 2006	2006/879 (W.84)
Section 39(1) (partially)	1 September 2004	2004/1728 (W.178)
Section 39 (fully)	31 October 2005	2005/2910 (W.207)
Section 40 (partially)	1 September 2003	2003/1718 (W.185)
Section 40 (partially)	1 April 2006	2006/879 (W.84)
Section 41	4 December 2003	2003/2961 (W.278)
Section 42	4 December 2003	2003/2961 (W.278)
Section 43	1 November 2003	2003/1718 (W.185)
Section 46	1 December 2003	2003/2961 (W.278)
Section 49	19 December 2002	2002/3185 (W.301)
Section 50	31 May 2005	2005/1395 (W.109)
Section 51 (partially)	9 January 2004	2003/2961 (W.278)
(partially)	31 March 2004	2004/912 (W.95)
(partially)	31 May 2005	2005/1395 (W.109)
Section 52 (partially)	9 January 2004	2003/2961 (W.278)
(fully)	31 October 2005	2005/2910 (W.207)
Section 53	31 October 2005	2005/2910 (W.207)
Sections 54 to 56	19 December 2002	2002/3185 (W.301)
Sections 60 to 64	1 August 2003	2003/1718 (W.185)
Section 72	1 August 2004	2004/1728 (W.172)
Section 75 (partially)	19 December 2002	2002/3185 (W.301)
Sections 97 and 98	19 December 2002	2002/3185 (W.301)
Section 99(1)	19 December 2002	2002/3185 (W.301)
Section 100 (partially)	19 December 2002	2002/3185 (W.301)
Section 101 (partially)	19 December 2002	2002/3185 (W.301)
Section 103	19 December 2002	2002/3185 (W.301)
Sections 105 to 107	19 December 2002	2002/3185 (W.301)
Section 108 (partially)	19 December 2002	2002/3185 (W.301)
Section 109	19 December 2002	2002/3185 (W.301)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 111 to 118	19 December 2002	2002/3185 (W.301)
Section 119	1 October 2002	2002/2439
Section 120(1) and (3) to (5)	1 October 2002	2002/2439
Section 120(2)	1 August 2003	2003/1667
Section 121	1 October 2002	2002/2439
Section 122 to 129	1 August 2003	2003/1667
Section 130 (partially)	1 October 2002	2002/2439
(fully)	1 August 2003	2003/1667
Section 131	19 December 2002	2002/3185 (W.301)
Sections 132 and 133	19 December 2002	2002/3185 (W.301)
Section 134 (partially)	19 December 2002	2002/3185 (W.301)
Section 135	19 December 2002	2002/3185 (W.301)
Sections 136 to 140	1 September 2003	2003/1718 (W.185)
Section 141	19 December 2002	2002/3185 (W.301)
Sections 142 to 144	31 March 2003	2002/3185 (W.301)
Section 145	19 December 2002	2002/3185 (W.301)
Section 146 (partially)	31 March 2003	2002/3185 (W.301)
Section 148 (partially)	19 December 2002	2002/3185 (W.301)
(partially)	31 May 2006	2006/1336 (W.129)
Section 149	31 March 2003	2002/3185 (W.301)
Section 150	31 March 2003	2002/3185 (W.301)
Section 151(2)	19 December 2002	2002/3185 (W.301)
Section 152 (partially)	19 December 2002	2002/3185 (W.301)
Section 154	31 March 2004	2004/912 (W.95)
Section 155	1 September 2004	2004/1728 (W.172)
Section 156	31 March 2004	2004/912 (W.95)
Sections 157 to 174	1 January 2004	2003/2961 (W.278)
Section 176	1 September 2004	2004/1728 (W.172)
Section 177	1 August 2004	2004/912 (W.95)
Section 178(1) and (4)	1 August 2003	2003/1718 (W.185)
Section 179 (partially)	19 December 2002	2002/3185 (W.301)
Section 180	19 December 2002	2002/3185 (W.301)
Sections 181 to 185	1 September 2003	2003/1718 (W. 185)
Section 188 (partially)	19 December 2002	2002/3185 (W.301)



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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
(partially)	1 December 2003	2003/2961 (W.278)
Section 189 (partially)	19 December 2002	2002/3185 (W.301)
Sections 191 to 194	19 December 2002	2002/3185 (W.301)
Section 195 (partially)	31 March 2003	2002/3185 (W.301)
(fully)	1 September 2003	2002/3185 (W.301)
Section 196	19 December 2002	2002/3185 (W.301)
Section 197	1 September 2003	2003/1718 (W.185)
Section 198	31 March 2004	2004/912 (W.95)
Section 199	1 September 2003	2003/1718 (W.185)
Section 200	31 March 2003	2002/3185 (W.301)
Section 201 (partially)	31 March 2003	2002/3185 (W.301)
Sections 202 and 203	1 September 2003	2003/1718 (W.185)
Section 206	1 September 2003	2003/1718 (W.185)
Section 207 and 208	9 January 2004	2003/2961 (W.278)
Section 215 (partially)	19 December 2002	2002/3185 (W.301)
(partially)	31 March 2003	2002/3185 (W.301)
(partially)	1 August 2003	2003/1718 (W.185) and 2003/1667
(partially)	1 September 2003	2002/3185 (W.301) and 2003/1718 (W.185)
(partially)	4 December 2003	2003/2961 (W.278)
(partially)	1 January 2004	2003/2961 (W.278)
(partially)	9 January 2004	2003/2961 (W.278)
(partially)	31 March 2004	2004/912 (W.95)
(partially)	1 August 2004	2004/912 (W.95) and 2004/1728 (W.172)
(partially)	1 September 2004	2004/1728 (W.172)
(partially)	31 May 2005	2005/1395 (W.109)
(partially)	31 October 2005	2005/2910 (W.207)
(partially)	1 April 2006	2006/879 (W.84)
Schedule 1, paragraph 3 (partially)	1 September 2003	2003/1718 (W.185)
Schedule 1 (fully)	31 October 2005	2005/2910 (W.207)
Schedule 2	1 April 2006	2006/879 (W.84)
Schedule 3, paragraphs 1 to 5	1 September 2003	2003/1718 (W.185)
the remaining paragraphs	1 April 2006	2006/879 (W.84)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 4, paragraphs 1 and 4	9 January 2004	2003/2961 (W.278)
Paragraphs 2, 3(1), (2), (3), (4), (5), (7), (8), 8, 9, 10, 11	31 May 2005	2005/1395 (W.109)
Paragraph 12(1), (3) to (5)	31 March 2004	2004/912 (W.95)
Schedule 5	19 December 2002	2002/3185 (W.301)
Schedule 9	1 August 2004	2004/1728 (W.172)
Schedule 10, paragraphs 1, 6, 11 and 15	19 December 2002	2002/3185 (W.301)
Schedule 11	1 October 2002	2002/2439
Schedule 12, paragraphs 1, 2, 4(1) and (3), 6 and 7,	19 December 2002	2002/3185 (W.301)
Paragraphs 3(1), (5) (partially), 4(2) and 5	31 May 2006	2006/1336 (W.129)
Paragraph 12(1) and (2)	31 March 2003	2002/3185 (W.301)
Schedule 13, paragraphs 1 to 3, 5, 6, 7(1) and (3) and 8	19 December 2002	2002/3185 (W.301)
Schedule 14, paragraphs 1 to 7	1 September 2004	2004/1728 (W.172)
Schedule 16, paragraphs 1 to 3	1 December 2003	2003/2961 (W.278)
Paragraphs 4 to 9	19 December 2002	2002/3185 (W.301)
Schedule 17, paragraphs 5(1) to (4), (6) and 6 to 8	19 December 2002	2002/3185 (W.301)
Schedule 18, paragraphs 1, 4, 5 and 7	31 March 2003	2002/3185 (W.301)
Paragraph 8 (partially)	31 March 2003	2002/3185 (W.301)
Paragraphs 13 to 15	31 March 2003	2002/3185 (W.301)
Paragraphs 2, 3, 6, 8 (fully), 9 to 12 and 16 to 18	1 September 2003	2002/3185 (W.301)
Schedule 19	1 September 2003	2003/1718 (W.185)
Schedule 20	1 September 2003	2003/1718 (W.185)
Schedule 21 (partially)	1 October 2002	2002/2439
(partially)	19 December 2002	2002/3185 (W.301)
(partially)	31 March 2003	2002/3185 (W.301)
(partially)	1 August 2003	2003/1667
(partially)	1 September 2003	2003/1718 (W.185)
(partially)	4 December 2003	2003/2961 (W.278)
(partially)	1 January 2004	2003/2961 (W.278)
(partially)	9 January 2004	2003/2961 (W.278)

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(partially)	31 March 2004	<a href="#">2004/912 (W.95)</a>
(partially)	1 August 2004	<a href="#">2004/1728 (W.172)</a>
(partially)	1 September 2004	<a href="#">2004/1728 (W.172)</a>
(partially)	31 May 2005	<a href="#">2005/1395 (W.109)</a>
(partially)	31 October 2005	<a href="#">2005/2910 (W.207)</a>
(partially)	1 April 2006	<a href="#">2006/879 (W.84)</a>
Schedule 22 (partially)	1 October 2002	<a href="#">2002/2439</a>
(partially)	9 December 2002	<a href="#">2002/3185 (W.301)</a>
(partially)	31 March 2003	<a href="#">2002/3185 (W.301)</a>
(partially)	1 August 2003	<a href="#">2003/1718 (W.185)</a>
(partially)	1 September 2003	<a href="#">2002/3185 (W.301)</a> , <a href="#">2003/1718 (W.185)</a> and <a href="#">2003/1667</a>
(partially)	4 December 2003	<a href="#">2003/2961 (W.278)</a>
(partially)	1 January 2004	<a href="#">2003/2961 (W.278)</a>
(partially)	9 January 2004	<a href="#">2003/2961 (W.278)</a>
(partially)	31 March 2004	<a href="#">2004/912 (W.95)</a>
(partially)	1 August 2004	<a href="#">2004/912 (W.95)</a>
(partially)	1 September 2004	<a href="#">2004/1728 (W.172)</a>
(partially)	31 May 2005	<a href="#">2005/1395 (W.109)</a>
(partially)	31 October 2005	<a href="#">2005/2910 (W.207)</a>
(partially)	1 April 2006	<a href="#">2006/879 (W.84)</a>

Various provisions of the Education Act 2002 have been brought into force in relation to England by the following Statutory Instruments: S.I. [2002/2002](#) (as amended by S.I. [2002/2018](#)), S.I. [2002/2439](#) (as amended by S.I. [2003/606](#) (revoked) and [2003/2992](#)), S.I. [2002/2952](#), S.I. [2003/124](#), S.I. [2003/1115](#), S.I. [2003/1667](#) (as amended by S.I. [2004/571](#) and S.I. [2005/2570](#)), S.I. [2003/2071](#), S.I. [2004/1318](#) and S.I. [2006/2895](#).