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WELSH STATUTORY INSTRUMENTS

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**2002 No. 3184**

**The Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002**

**Name, commencement and application**

1.—(1) These Regulations are called the Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002 and shall come into force on 19th December 2002.

(2) These Regulations apply to Wales.

**Interpretation**

2.—(1) In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the School Inspections Act 1996<sup>(1)</sup>;

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

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

“an inspector’s report” (“*adroddiad arolygydd*”) means a report made under section 5(2)(b), section 13 or section 14 of the 1996 Act.

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

**Modifications relating to schools causing concern**

3. Where an inspector’s report has been made before 19th December 2002:

(a) section 15(4) and (6) of the 1998 Act shall have effect as if the amendments made by section 55 had not come into force;

(b) the National Assembly for Wales may exercise any of the powers conferred on it by sections 18(1) or 19(1) of the 1998 Act as if the report had been prepared after that date and a notice had been given under section 16A(2)(3) of the 1996 Act;

(c) a local education authority may exercise the powers conferred on it by sections 14(2)(a) or (b), 16 or 17 of the 1998 Act as if the report had been prepared after that date and a notice had been given under section 16A(2) of the 1996 Act.

**Modification of provision relating to financing of schools**

4. Section 41(2) shall have effect as though there were substituted for the words “subsection (1)” the words “subsection (2)”.

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(1) 1996 c. 57.

(2) 1998 c. 31.

(3) Inserted by section 54.

### **Modification of provisions relating to the Curriculum**

5.—(1) In this regulation references to the modification period are references to the period beginning on 19th December 2002 and ending on the day when sections 102, 104 and 108(2) come into force.

(2) During the modification period sections 99(1), 100(1)(a), (2)(a) and (3), 111(1), 114(1) and (5) and 115(4)(a) shall have effect as if the words “or maintained nursery school” were omitted, and section 111(3) shall have effect as if the words “or a maintained nursery school” were omitted.

(3) During the modification period section 100 shall have effect as if there were substituted for paragraph (4) (b)—

“(b) functions relating to religious education and religious worship.”.

(4) During the modification period section 101 shall have effect as if there were substituted for paragraph (1)(b)—

“(b) a curriculum for all registered pupils at the school of compulsory school age (known as “the National Curriculum for Wales”),”.

(5) During the modification period section 108 shall have effect as though these were omitted—

(a) in subsection (1)(b) the words “the foundation stage and”;

(b) in subsection (4), “(2) or”, “the foundation stage or”, “educational programme or” and “(or the timetables of any person providing funded nursery education)”;

(c) in subsection (5) “(2) or”;

(d) in subsection (8) “(2)(b) (iii) or” ;

(e) in subsection (10) “(6) or” and “or, as the case may be, premises on which the funded nursery education is being provided”; and

(f) in subsection (11) “(2)(b)(iii) or” and “(6) or”.

(6) Paragraph 6(1) of Schedule 1 to the Education Act 1996(4) shall have effect as though there were substituted for the words “section 351(1)” the words “section 78(1) or 99(1) of the Education Act 2002”.

### **Modification of provisions relating to teachers**

6.—(1) During the period beginning on 19th December 2002 and ending on the day on which regulations under section 132 come into force, that section shall have effect as though there were substituted for subsection (1)—

“A reference in the Education Acts to a “qualified teacher” is to a qualified teacher within the meaning of section 218(2) of the Education Reform Act 1988(5).”

(2) During the period beginning on the date on which section 122(3)(d) comes into force(6) and ending on the day on which regulations under section 133 come into force, section 122(3)(d) shall not apply.

7.—(1) During the period beginning on 31st March 2003 and ending on the day on which paragraph 3(3) of Schedule 12 comes into force, section 134(1) shall have effect as though the words “with full registration” were omitted.

(2) During the period beginning on 31st March 2003 and ending on the day on which regulations under section 134(1) come into force, the new section 12(2)(b) of the Teaching and Higher Education

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(4) 1996 c. 56.

(5) 1988 c. 40.

(6) Section 122(3)(d) comes into force on a date appointed by the Secretary of State — see section 216(2). No date has been appointed yet.

Act 1998 substituted by paragraph 81(a) of Schedule 21 shall have effect as though there were substituted therefor—

“(b) required as a consequence of their employment to be so registered by virtue of section 218(1)(aa)(7) of the Education Reform Act 1988.”.

**Modification of provision relating to child care**

**8.** Paragraph (c) of section 113(3E) of the Police Act 1997<sup>(8)</sup> shall have effect as though there were substituted for the words from “for child minding” until “that Act” the words “for child minding or providing day care under section 71 of the Children Act 1989”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(9)</sup>

18th December 2002

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

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(7) Inserted by section 11 of the Teaching and Higher Education Act 1998.

(8) 1997 c. 50. This section is also amended by paragraph 7 of Schedule 13 to the 2002 Act.

(9) 1998 c. 38.