
WELSH STATUTORY INSTRUMENTS

2006 No. 173 (W.24)

EDUCATION, WALES

**The Education Act 2002 (Transitional Provisions and
Consequential Amendments) (Wales) Regulations 2006**

Made - - - - *31 January 2006*

Coming into force - - *1 February 2006*

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).

Title, commencement and application

1.—(1) The title of these Regulations is the Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2006 and they come into force on 1 February 2006.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

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

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

“school year” (“*blwyddyn ysgol*”), in the context of references to the admission of a child to a school in any particular year, means the school year in which that child would first take up a place there in consequence of a decision to admit him or her.

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

Revocation

3. The School Standards and Framework Act 1998 (Admissions and Standard Numbers) (Modification) Regulations 1999(3) are revoked.

(1) 2002 c. 32.

(2) 1998 c. 31.

(3) S.I.1999/1064.

Transitional Provisions — Admission Arrangements

4. Despite the coming into force of section 47(1) the amendments to section 86 of the 1998 Act do not have effect in relation to the admission of a child to a maintained school in any school year earlier than the 2008-09 school year.

5. Despite the coming into force of the repeals of section 93 of, and Schedule 23 to the 1998 Act, and of the definitions of “the relevant standard number” in sections 84(6) and 143 of the 1998 Act, those provisions continue to have effect in relation to any school year earlier than the 2008-09 school year.

6. Despite the coming into force of section 47(2) and paragraph 5 of Schedule 4, neither the new section 89A of the 1998 Act nor the amendments of section 89 of the 1998 Act have effect in relation to the determination of the admission arrangements for a maintained school for any school year earlier than the 2008-09 school year.

7. Despite the coming into force of paragraph 6 of Schedule 4, the amendments of section 90 of the 1998 Act do not have effect in relation to the admission arrangements for a maintained school for any school year earlier than the 2008-09 school year.

8. Despite the coming into force of paragraph 12(2) of Schedule 4, the amendment of section 98(2) of the 1998 Act does not have effect in relation to the admission of a child to a maintained school for nursery education for any school year earlier than the 2008-09 school year.

9. Despite the coming into force of paragraph 14 of Schedule 4, the amendment of section 439(2) of the Education Act 1996(4) does not have effect in relation to any school attendance order made under section 437 of that Act during any school year earlier than the 2008-09 school year.

Amendment of 1998 Act

10.—(1) In section 98(6) and (8) of the 1998 Act for “92(3) to (6)” there is substituted “92(c) and (d)”.

(2) Regulations made under section 92 of the 1998 Act before 1 February 2006 are to have effect as though made under section 92 of the 1998 Act as substituted by paragraph 7 of Schedule 4.

Amendment of the Education (School Organisation Proposals) (Wales) Regulations 1999

11.—(1) The Education (School Organisation Proposals) (Wales) Regulations 1999(5) are amended as follows in relation to the school year 2008-09 and subsequent school years.

(2) For regulation 2(2) substitute the following paragraph—

“(2) For the purposes of these Regulations the capacity of a school is to be determined in accordance with the capacity assessment method set out in the guidance document “Measuring the capacity of schools in Wales” issued by the National Assembly(6).”.

(3) In regulation 5, omit from paragraph (1) the words “and paragraph 9(1)(a) of Schedule 23” and “and paragraph 9 of Schedule 23”, and omit sub-paragraph (3)(c).

(4) In regulation 6, omit from paragraph (1) the words “, and paragraph 9(1)(b) of Schedule 23 to,” and “, and paragraph 9 of Schedule 23 to,”, and omit paragraph (3).

(5) In regulation 7, omit from paragraph (1)(a) the words “and paragraph 9(6) of Schedule 23” and from paragraph (2) the words “or paragraph 9 of Schedule 23”.

(6) Omit regulation 11.

(4) 1998 c. 31.

(5) S.I. 1999/1671 as amended by S.I. 2004/908 (W.91).

(6) This guidance is available on the National Assembly website at www.learning.wales.gov.uk.

- (7) Omit Schedule 1.
- (8) In Schedule 3, omit Part V and the heading to that Part.
- (9) In Schedule 4—
 - (a) in paragraph 1 insert the following definition in the appropriate alphabetical order—

““admission number” means the number of pupils in any relevant year group intended to be admitted in any school year as determined by an admission authority in accordance with section 89A(1) of the Act(7);”;
 - (b) in paragraphs 5(a), 6(a), 20(a) and 38(a), substitute for “the standard number” the words “the admission number”; and
 - (c) omit Part VI and the heading to that Part.

Amendment of the Change of Category of Maintained Schools (Wales) Regulations 2001

12. In relation to the school year 2008-09 and subsequent school years, Schedule 1 to the Change of Category of Maintained Schools (Wales) Regulations 2001(8) is amended by adding at the end of the modified section 28(11) in Table 3 in Part 1 and at the end of the modified section 28(11) as set out in Part 2 the words “and the capacity of a school is to be determined in accordance with the capacity assessment method set out in the guidance document “Measuring the capacity of schools in Wales” issued by the National Assembly.”.

Amendment of the School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004

13.—(1) The School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004(9) are amended as follows in relation to the school year 2008-09 and subsequent school years.

- (2) For regulation 2(3) substitute the following paragraph—
- (3) “For the purposes of these Regulations the capacity of a school is to be determined in accordance with the capacity assessment method set out in the guidance document “Measuring the capacity of schools in Wales” issued by the National Assembly.”.
- (3) In Schedule 3—
 - (a) in paragraph 1 omit the definition of “relevant standard number” (“*Rhif safonol perthnasol*”) and insert the following definition in the appropriate alphabetical order—

““admission number” (“*nifer derbyn*”) means the number of pupils in any relevant year group intended to be admitted in any school year as determined by an admission authority in accordance with section 89A(1) of the 1998 Act;”;
 - (b) in paragraphs 5(a) and 32(a), substitute for “the relevant standard number” the words “the admission number”.

(7) Section 89A was inserted by section 47(2) of the Education Act 2002 (c. 32).

(8) S.I. 2001/2678 (W.219) as amended by S.I. 2005/2916 (W.213).

(9) S.I. 2004/1576, as amended by S.I. 2005/3238 (W.243).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(10).

31 January 2006

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make transitional provision in connection with the bringing into force of provisions of the Education Act 2002 by the Education Act 2002 (Commencement No. 8) (Wales) Order 2006. Those provisions amend the School Standards and Framework Act 1998 (“the 1998 Act”) in relation to the determination of admission arrangements, and the making of objections to admission arrangements. These Regulations provide that the amended provisions do not apply until the school admission year 2008-09.

These Regulations amend section 98 of the 1998 Act so as to refer to section 92 of the 1998 Act, as substituted by the Education Act 2002, and provide that any regulations made under section 92 of the 1998 Act before 1 February 2006 are to have effect as if they had been made under the new section 92 of the 1998 Act.

These Regulations also amend the Education (School Organisation Proposals) (Wales) Regulations 1999, the Change of Category of Maintained Schools (Wales) Regulations 2001 and the School Organisation proposals by the National Council for Education and Training for Wales Regulations 2004. These amendments are consequential on the repeal of the provisions of the 1998 Act relating to standard numbers and the introduction by the National Assembly for Wales of a new method of assessing the capacity of a school for the purposes of the new provisions on determining admission arrangements introduced by the Education Act 2002. The Regulations also revoke the School Standards and Framework Act 1998 (Admissions and Standard Numbers) (Modification) Regulations 1999 which are spent.