

*These notes refer to the Education Act 2005 (c.18)
which received Royal Assent on 7 April 2005*

EDUCATION ACT 2005

EXPLANATORY NOTES

COMMENTARY

Part 5: General

254. This Part contains general provisions including those relating to the functions of the Assembly, subordinate legislation, general interpretation, repeals, commencement and extent.

Section 124: Power to make further supplementary, consequential provision etc.

255. This provision enables the Secretary of State by regulations to make such supplementary, incidental, consequential, transitional, transitory or saving provision as he considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision of Parts 1 to 4 of the Act.

256. Where such regulations made by the Secretary of State amend or repeal primary legislation, they must be approved by resolution of each House of Parliament.

257. The Assembly has concurrent powers to make such regulations in relation to Wales.

258. This power is necessary because in relation to some of the areas in the Act it is likely that consequential amendments will be required that cannot reasonably be anticipated. Provisions in the Act such as school funding and school organisation affect complex areas of education legislation. In addition the Assembly may, where a provision of this Act comes into force in relation to Wales, need to modify existing enactments where not all of the relevant previous legislation has been commenced in relation to Wales.