
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make modifications to provisions of the Education Act 2002 (“the Act”) specified for a transitional period to facilitate the bringing into force of other provisions of the Act on a date earlier than those other provisions of that Act are to be brought into force. They also make transitional provisions in relation to the Act. In particular—

1. The powers of intervention in schools causing concern which have been amended by the Act are applied in relation to inspectors' reports made before 19th December 2002, which is the date when the new provisions are brought into force (regulation 3).

2. An amendment is made to the School Standards and Framework Act 1998 to correct an incorrect cross reference in the amendment made by section 41(2) of the Act (regulation 4).

3. Part 7 of the Act (The Curriculum in Wales), parts of which are brought into force by the Education Act 2002 (Commencement No. 1) (Wales) Order 2002 (“the Commencement Order”), is modified pending the bringing into force of the provisions of that Part relating to the new foundation stage, maintained nursery schools and nursery education (regulation 5(1) to (5)). An amendment is also made to the Education Act 1996 so as to refer to the new curriculum provisions in the Act (regulation 5(6)).

4. The new definition of “qualified teacher” in section 132 of the Act (which refers to “a person who satisfies requirements specified in regulations”) which is brought into force by the Commencement Order is modified pending the coming into force of regulations under that section (regulation 6(1)).

5. Section 122(3)(d) of the Act (definition of “school teacher” for the purposes of that section), which refers to a person who carries out work of a kind specified by regulations under section 133(1) and will be brought into force by an Order of the Secretary of State (for both England and Wales), is disapplied pending the coming into force of those regulations (regulation 6(2)).

6. A reference to provisional registration with the General Teaching Council in section 134 of the Act (requirement to be registered with the General Teaching Council) is modified pending the bringing into force of the provisions of Schedule 12 to the Act relating to such provisional registration (regulation 7(1)). Similarly a consequential amendment in Schedule 21 to that Act brought into force by that Commencement Order which refers to section 134 of the Act is modified pending the coming into force of regulations under that section (regulation 7(2)).

7. An amendment is made to the Police Act 1997 so as to refer correctly to the Children Act 1989 (regulation 8).