WELSH STATUTORY INSTRUMENTS

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(**1**) and now vested in them(**2**), 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.

(**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).

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

20 December 2007

THE SCHEDULE Articles 4 and 5

PART 1

Provisions coming into force on 2 January 2008

Provision	*Subject matter*
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 —	Repeals
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).	

Provision	*Subject matter*
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

Provision	*Subject matter*
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 —	Repeals
School Standards and Framework Act 1998, section 40 and Schedule 13.	

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(**3**) 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(**4**) 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).

(**3**) S.I. 2002/1663 (W. 158).
(**4**) S.I. 1989/351.