WELSH STATUTORY INSTRUMENTS

2006 No. 1338 (W.130) (C.45)

EDUCATION, WALES

The Education Act 2005 (Commencement No. 1 and Transitional Provisions) (Wales) Order 2006

Made - - - - 16 May 2006

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 120(2) and 125(4) of the Education Act 2005(**1**), hereby makes the following Order:

Title and interpretation

1. The title of this Order is the Education Act 2005 (Commencement No. 1 and Transitional Provisions) (Wales) Order 2006.

2.—(1) In this Order–

"the 1996 Act" ("*Deddf 1996*") means the School Inspections Act 1996(**2**);

"the 1998 Act" ("*Ddeddf 1998*") means the School Standards and Framework Act 1998(**3**);

"the 2000 Act" ("*Ddeddf 2000*") means the Learning and Skills Act 2000(**4**); and

"the 2005 Act" ("*Deddf 2005*") means the Education Act 2005.

(2) In this Order, unless otherwise stated, references to sections and Schedules are references to sections of and Schedules to the 2005 Act.

Appointed day

3. The provisions of the 2005 Act specified in Schedule 1 to this Order are to come into force on 1 September 2006 in relation to Wales.

4.—(1) Subject to paragraph (2), the provisions of the 2005 Act specified in Schedule 2 to this Order are to come into force on 1 September 2006 in relation to England and Wales.

(2) Sections 41 and 42 are to come into force only in their application to special schools of the description referred to in section 28(2)(d).

(**1**) 2005 c. 18.
(**2**) 1996 c. 57.
(**3**) 1998 c. 31.
(**4**) 2000 c. 21.

5. The provisions of the 2005 Act specified in Schedule 3 to this Order are to come into force on 1 April 2007 in relation to England and Wales.

Transitional provisions and savings

6. The transitional provisions and savings set out in the Schedule 4 apply.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**5**)

D. Elis-Thomas
16 May 2006 The Presiding Officer of the National Assembly

(**5**) 1998 c. 38.

SCHEDULE 1

Article 3

Provisions coming into force on 1 September 2006 in relation to Wales

Provision	*Subject matter*
Section 44	Categories of Schools causing concern.
Section 45	Cases where Assembly may direct closure of school.
Section 46	Sixth forms requiring significant improvement.
Section 47	Meaning of "denominational education".
Section 51	Power of LEA to inspect maintained school for specific purpose.
Section 53, so far as relating to the provisions of Schedule 7 referred to below.	Inspection of child minding, day care and nursery education.
Section 54	Inspection of independent schools.
Section 58	Inspection of computer records.
Section 59	Combined reports.
Section 60	Repeal of School Inspections Act 1996.
Section 61, so far as relating to the provisions of Schedule 9 referred to below.	Further amendments relating to school inspection.
Section 71	Proposals relating to maintained special schools.
Section 105	Provision and funding of higher education in maintained schools. Provision Subject matter
Section 106	Admission arrangements to make special provision for looked-after children.
Section 115	Power of governing body to make alternative provision for excluded pupils.
Section 116	Failure of parent to secure regular attendance of child at alternative provision.
Section 117 so far as relating to the provisions of Schedule 18 below.	Further amendments relating to Part 4.
Section 118	Meaning of "the 2002 Act" in Part 4.
Section 123 so far as relating to the provisions of Schedule 19 referred to below.	Repeals.
Schedule 5	Sixth forms requiring significant improvement.
Paragraphs 6 to 24 of Schedule 7.	Inspection of child minding, day care and nursery education.
Schedule 8	Inspection of independent schools.
Paragraphs 8 to 21 and 28 to 30 of Schedule 9.	Further amendments relating to school inspection.

Provision	*Subject matter*
Paragraphs 1, 6 and 15 of Schedule 18.	Further amendments relating to Part 4.
In Schedule 19, Part 1:	Repeals
The repeals relating to: Education Act 1996, School Inspections Act 1996, Education Act 1997, School Standards and Framework Act 1998, Learning and Skills Act 2000 (except the repeal of section 81), Education Act 2002.	Repeals.

SCHEDULE 2

Article 4

Provisions coming into force on 1 September 2006 in relation to England and Wales

Provision	*Subject matter*
Section 19	Her Majesty's Inspectorate of Education and Training in Wales.
Section 20	Functions of Chief Inspector.
Section 21	Annual and other reports to Assembly.
Section 22	Power of Assembly to establish advisory panel.
Section 23	Powers of entry etc of Chief Inspector.
Section 24	Power of Chief Inspector to arrange for inspections.
Section 25	Registration of Inspectors in Wales.
Section 26	Removal from Register and imposition and variation of conditions.
Section 27	Appeals in relation to registration.
Section 28	Duty to arrange regular inspections of certain schools.
Section 29	Publication of inspection reports.
Section 30	Payment of fees into Consolidated Fund.
Section 31	Interpretation of Chapter 3.
Section 32	Inspections by members of the Inspectorate.
Section 33	Duty to report on section 28 inspections.
Section 34	Section 28 inspections by registered inspectors.
Section 35	Reports of Inspections by members of the Inspectorate.
Section 36	Timing of section 28 inspections by registered inspectors.
Section 37	Duty to notify where inspection shows maintained school causing concern.