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.