WELSH STATUTORY INSTRUMENTS

# 2006 No. 172 (W.23)(C.2)

# EDUCATION, WALES

## The Education Act 2002 (Commencement No. 8) (Wales) Order 2006

*Made - - - - 31 January 2006*

The National Assembly for Wales, in exercise of the power conferred upon it by section 216(4)(b) and (5) of the Education Act 2002(**1**), hereby makes the following Order:

**Title, application and interpretation**

**1.** The title of this Order is the Education Act 2002 (Commencement No.8) (Wales) Order 2006.

**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.** The day appointed for the coming into force of the provisions specified in the Schedule to this Order is 1 February 2006.

**5.** The day appointed for the coming into force of section 175 is 1 September 2006.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**2**).

*D. Elis-Thomas*
31 January 2006 The Presiding Officer of the National Assembly

(**1**) 2002 c. 32.
(**2**) 1998 p.31.

THE SCHEDULE Article 4

Provisions coming into force on 1 February 2006

| Provision | Subject matter |
|---|---|
| Section 47 | Admission numbers |
| Section 48 | Co-ordination of admission arrangements |
| Section 51 in so far as not already in force | Further amendments relating to admission arrangements |
| Section 215(2) in so far as it relates to the provisions of Schedule 22 below | Repeals |
| Schedule 4, paragraphs 3(6), 5,6,7,12(2) and (6), 13,14 | |
| Schedule 22, Part 3, the repeal of— | Repeals |
| School Standards and Framework Act 1998(1), in section 84(6), the definition of "the relevant standard number", section 86(6) section 93, in section 143 the entry relating to relevant standard number, Schedule 23 | |

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1 February 2006 those provisions of the Education Act 2002 specified in the Schedule to this Order.

References below to sections and Schedules (without more) are references to sections of and Schedules to the Education Act 2002.

In the case of provisions brought into force by this Order which amend existing legislation, references to the Secretary of State in those provisions are to be read, in relation to Wales, as references to the National Assembly for Wales — see section 211.

The effect of the provisions specified in the Schedule to this Order is as follows—

Section 47 amends the School Standards and Framework Act 1998 ("the 1998 Act") in relation to arrangements for admission to maintained schools. Schools are no longer required to have standard numbers (which relate to the numbers of pupils to be admitted in a school year). In determining admission arrangements for a school, admission authorities will be required to set an admission number. Regulations and guidance will make provision as to the calculation of that number. Until the admission authority have admitted that number of pupils, the duty to comply with parental preference applies. Section 47 also amends section 86 of the 1998 Act to allow for separate admission numbers for day and boarding places where schools provide boarding accommodation.

Section 48 amends the 1998 Act to allow the National Assembly for Wales to make regulations requiring LEAs to co-ordinate school admission arrangements.

Section 51 and the provisions commenced in Schedule 4 make further amendments to the 1998 Act in relation to school admission arrangements. These include providing governing bodies of community and voluntary controlled schools with a right to be consulted about the admission arrangements which admission authorities for other schools in their areas propose to make.

Section 175 imposes a duty on LEAs and governing bodies of maintained schools and FE institutions, requiring them to make arrangements in relation to the welfare of children. In addition, they must have regard to any guidance issued by the National Assembly in determining what arrangements they must make to comply with their duties.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Education Act 2002 have been brought into force in relation to Wales by commencement order made before the date of this Order:

| *Provision* | *Date of Commencement* | *S.I. No.* |
|---|---|---|
| Sections 14 to 17 | 31 March 2003 | 2002/3185 (W.301) |
| Section 18(2) | 31 March 2003 | 2002/3185 (W.301) |
| Section 19(6) (partially) | 1 September 2003 | 2003/1718 (W.185) |
| Section 19 (1) to (7) (fully) | 31 October 2005 | 2005/2910 (W.207) |
| Section 20 (1) to (3), (5) | 31 October 2005 | 2005/2910 (W.207) |
| Sections 21 and 22 | 1 September 2004 | 2004/1728 (W.172) |
| Section 23 | 31 October 2005 | 2005/2910 (W.207) |
| Sections 27 and 28 | 1 September 2003 | 2003/1718 (W.185) |
| Section 29 | 1 September 2003 | 2003/1718 (W.185) |
| Section 30 | 1 September 2004 | 2004/1728 (W.172) |
| Section 32 | 1 September 2004 | 2004/1728 (W.172) |
| Sections 33 and 34 | 31 October 2005 | 2005/2910 (W.207) |
| Section 39(1) (partially) | 1 September 2004 | 2004/1728 (W.178) |
| Section 39 (fully) | 31 October 2005 | 2005/2910 (W.207) |
| Section 40 (partially) | 1 September 2003 | 2003/1718 (W.185) |
| Section 41 | 4 December 2003 | 2003/2961 (W.278) |
| Section 42 | 4 December 2003 | 2003/2961 (W.278) |
| Section 43 | 1 November 2003 | 2003/1718 (W.185) |
| Section 46 | 1 December 2003 | 2003/2961 (W.278) |
| Section 49 | 19 December 2002 | 2002/3185 (W.301) |
| Section 50 | 31 May 2005 | 2005/1395 (W.109) |
| Section 51 (partially) | 9 January 2004 | 2003/2961 (W.278) |

| *Provision* | *Date of Commencement* | *S.I. No.* |
|---|---|---|
| (partially) (W.95) | 31 March 2004 | 2004/912 |
| (partially) | 31 May 2005 | 2005/1395 (W.109) |
| Section 52 (partially) | 9 January 2004 | 2003/2961 (W.278) |
| (fully) | 31 October 2005 | 2005/2910 (W.207) |
| Section 53 | 31 October 2005 | 2005/2910 (W.207) |
| Sections 54 to 56 | 19 December 2002 | 2002/3185 (W.301) |
| Sections 60 to 64 | 1 August 2003 | 2003/1718 (W.185) |
| Section 72 | 1 August 2004 | 2004/1728 (W.172) |
| Section 75 (partially) | 19 December 2002 | 2002/3185 (W.301) |
| Sections 97 and 98 | 19 December 2002 | 2002/3185 (W.301) |
| Section 99(1) | 19 December 2002 | 2002/3185 (W.301) |
| Section 100 (partially) | 19 December 2002 | 2002/3185 (W.301) |
| Section 101 (partially) | 19 December 2002 | 2002/3185 (W.301) |
| Section 103 | 19 December 2002 | 2002/3185 (W.301) |
| Sections 105 to 107 | 19 December 2002 | 2002/3185 (W.301) |
| Section 108 (partially) | 19 December 2002 | 2002/3185 (W.301) |
| Section 109 | 19 December 2002 | 2002/3185 (W.301) |
| Sections 111 to 118 | 19 December 2002 | 2002/3185 (W.301) |
| Section 119 | 1 October 2002 | 2002/2439 |
| Section 120(1) and (3) to (5) | 1 October 2002 | 2002/2439 |
| Section 120(2) | 1 August 2003 | 2003/1667 |
| Section 121 | 1 October 2002 | 2002/2439 |
| Section 122 to 129 | 1 August 2003 | 2003/1667 |
| Section 130 (partially) | 1 October 2002 | 2002/2439 |
| (fully) | 1 August 2003 | 2003/1667 |
| Section 131 | 19 December 2002 | 2002/3185 (W.301) |
| Sections 132 and 133 | 19 December 2002 | 2002/3185 (W.301) |
| Section 134 (partially) | 19 December 2002 | 2002/3185 (W.301) |
| Section 135 | 19 December 2002 | 2002/3185 (W.301) |
| Sections 136 to 140 | 1 September 2003 | 2003/1718 (W.185) |
| Section 141 | 19 December 2002 | 2002/3185 (W.301) |
| Sections 142 to 144 | 31 March 2003 | 2002/3185 (W.301) |
| Section 145 | 19 December 2002 | 2002/3185 (W.301) |
| Section 146 (partially) | 31 March 2003 | 2002/3185 (W.301) |