WELSH STATUTORY INSTRUMENTS

2005 No. 1395 (W.109) (C.60)

EDUCATION, WALES

The Education Act 2002 (Commencement No. 6 and Transitional Provisions) (Wales) Order 2005

Made - - - - 24 May 2005

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 and application

1. The title of this Order is the Education Act 2002 (Commencement No.6 and Transitional Provisions) (Wales) Order 2005.

2. Provisions brought into force by this Order are brought into force in relation to Wales.

Interpretation

3.—(1) In this Order —

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(**2**); and

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002.

(2) In this Order, unless otherwise stated, references to sections and Schedules are references to sections of and Schedules to the 2002 Act.

Appointed day

4. The day appointed for the coming into force of the provisions specified in the Schedule to this Order is 31 May 2005.

Transitional Provisions

5.—(1) The amendments made by paragraph 3 of Schedule 4 are not to apply in relation to the admission of children in a school year earlier than 2007-2008.

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

(2) Despite the coming into force of paragraphs 10 and 11 of Schedule 4, the amendments of sections 96 and 97 of the 1998 Act do not have effect in relation to a decision made by a local education authority before 31 May 2005 to direct a specified school to admit a pupil.

(3) Where a parent has given a notice of appeal in accordance with paragraph 9 of Schedule 24 to the 1998 Act before 31 May 2005 —

(a) sections 84(6) and 94 of, and Schedule 24 to, the 1998 Act are to continue to have effect in relation to that appeal as if section 50, paragraphs 2 and 8 of Schedule 4 and the repeal of Schedule 24 to the 1998 Act had not come into force; and

(b) section 25(5)(c) of the Local Government Act 1974(**3**) is to continue to have effect as if paragraph 2(a) of Schedule 21 had not come into force.

(4) Where a governing body has given a notice of appeal in accordance with paragraph 5 of Schedule 25 to the 1998 Act before 31 May 2005 —

(a) sections 84(6), 87 and 95 of, and Schedule 25 to, the 1998 Act are to continue to have effect in relation to that appeal as if paragraphs 2 and 9 of Schedule 4 and the repeal of Schedule 25 to the 1998 Act had not come into force; and

(b) section 25(5)(c) of the Local Government Act 1974 is to continue to have effect as if paragraph 2(a) of Schedule 21 had not come into force.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**4**).

D. Elis-Thomas
24 May 2005 — The Presiding Officer of the National Assembly

(**3**) 1974 c. 7.
(**4**) 1998 c. 38.

THE SCHEDULE Article 4

Provisions coming into force on 31 May 2005

Provision	*Subject Matter*
Section 50	Admission appeals
Section 51 in so far as it relates to the provisions of Schedule 4 below	Further amendments relating to admissions
Section 215(1) in so far as it relates to the provisions of Schedule 21 below	Minor and consequential amendments
Section 215(2) in so far as it relates to the provisions of Schedule 22 below	Repeals
Schedule 4, paragraphs 2, 3(1), (2), (3), (4), (5), (7), (8), 8, 9, 10, 11	Admission Arrangements
Schedule 21	Minor and Consequential Amendments
Paragraphs 1, 2 and 22 in so far as not already in force	
Schedule 22, Part 3, the repeal of —	Repeals
School Standards and Framework Act 1998(**5**), Schedules 24 and 25,	
In Schedule 26, paragraphs 6(4), 8(9) and 15,	
In Schedule 28, Part 2,	
In Schedule 30, paragraphs 3(3), 47(a).	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 31 May 2005 section 50 of the Education Act 2002 ("the 2002 Act"). Section 50 amends section 94 of the School Standards and Framework Act 1998 ("the 1998 Act"), so that the arrangements for appeals to appeal panels against decisions relating to the admission of a child to a school are to be set out in regulations made by the National Assembly. The Order also brings into force on 31 May 2005 section 51 of the 2002 Act and provisions in Schedule 4 to that Act which make further amendments of the 1998 Act in relation to school admissions.

The Order also makes transitional provisions. The amendments of section 86 of the 1998 Act relating to parental preferences and admission to sixth forms will apply in relation to the determination year 2005-06, during which year admission arrangements will be determined for the school year 2007-08.

(**5**) 1998 c. 31.

The amendments of sections 96 and 97 of the 1998 Act relating to an LEA's power to direct a school to admit children will not apply in relation to a decision to direct made before 31 May 2005.

In relation to admission appeals made before 31 May 2005, provisions of the 1998 Act relating to such appeals and of the Local Government Act 1974 relating to the ombudsman's jurisdiction are to have effect as though they had not been amended by the 2002 Act.

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)
Sections 21 and 22	1 September 2004	2004/1728 (W.172)
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)
Section 39(1) (partially)	1 September 2004	2004/1728 (W.172)
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 51 (partially)	9 January 2004	2003/2961 (W.278)
(partially)	31 March 2004	2004/912 (W.95)
Section 52 (partially)	9 January 2004	2003/2961 (W.278)
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)