WELSH STATUTORY INSTRUMENTS

2004 No. 1728 (W.172) (C.67)

EDUCATION, WALES

The Education Act 2002 (Commencement No. 5) (Wales) Order 2004

Made - - - - 13th July 2004

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:

Name, application and interpretation

1. This Order is called the Education Act 2002 (Commencement No.5) (Wales) Order 2004.

2. Provisions brought into force by this Order are brought into force only 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 Part 1 of the Schedule to this Order is 1st August 2004.

5. The day appointed for the coming into force of the provisions specified in Part 2 of the Schedule to this Order is 1st September 2004.

(**1**) 2002 c. 32.

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

D. Elis-Thomas
13th July 2004 The Presiding Officer of the National Assembly

(**2**) 1998 c. 38.

PART 1

Provisions coming into force on 1st August 2004

Provision	Subject matter
Section 72	Proposals relating to sixth forms
Section 215(1) in so far as it relates to the provisions of Schedule 21 below	Minor and consequential amendments
Schedule 9	Proposals relating to sixth forms — implementation
Schedule 21	Minor and consequential amendments
Paragraph 100(3)	

PART 2

Provisions coming into force on 1st September 2004

Provision	Subject matter
Section 21	General responsibility for conduct of school
Section 22	Training and support of governors
Section 30	Governors' reports and other information
Section 32	Responsibility for fixing dates of terms and holidays and times of sessions
Section 39(1) in so far as it relates to the definition of “statutory provision”	Interpretation of Chapter 1
Section 155	Inspection of nursery education
Section 176	Consultation with pupils
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 14, paragraphs 1 to 7	Inspection of nursery education
Schedule 21 —	Minor and Consequential Amendments
Paragraph 39(1) and (5)	
Paragraph 63 except sub-paragraph (a)	
Paragraph 68	
Paragraph 110(1) and (3) only for the purpose of omitting paragraph (e) of subsection (6)	

Provision	Subject matter
of section 127 of the School Standards and Framework Act 1998	
Schedule 22, Part 3, the repeal of —	Repeals
Children Act 1989(**3**), section 79P(4)(d) and the preceding "and";	
School Standards and Framework Act 1998(**4**).	
Section 38, Sections 41 and 42, Section 127(6)(e), in section 138, in subsection (4)(b), the words "paragraph 4 or 8 of Schedule 23 or", and in subsection (5), paragraph (a)(ii) and (iii) and, in paragraph (b)(ii), the word "46", in Part II of Schedule 11, paragraph 7, in Schedule 30, paragraph 204(b)	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st August 2004 and 1st September 2004 those provisions of the Education Act 2002 specified in Parts 1 and 2 of 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 Part 1 of the Schedule is as follows —

Section 72 and Schedule 9 amend the Learning and Skills Act 2000 so as to enable the National Council for Education and Training for Wales to propose the establishment, alteration or closure of sixth forms. Its proposals are to be submitted to the National Assembly for Wales ("the National Assembly"). Regulations will set out the procedures.

The effect of the provisions specified in Part 2 of the Schedule is as follows —

Sections 21, 22, 30 and 32 re-enact certain provisions of the School Standards and Framework Act 1998 ("the 1998 Act") in relation to the government of maintained schools.

Section 21 provides that the governing body of a school is responsible for its conduct. It enables the National Assembly to make regulations setting out the roles and responsibilities of governing bodies, head teachers and LEAs.

Section 22 provides that an LEA must provide governors with information and training, free of charge.

(**3**) 1989 c. 41.
(**4**) 1998 c. 31.