WELSH STATUTORY INSTRUMENTS

2003 No. 2961 (W.278) (C.108)

EDUCATION, WALES

The Education Act 2002 (Commencement No. 3) (Wales) Order 2003

Made - - - - 18th November 2003

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 Education Act 2002 (Commencement No. 3) (Wales) Order 2003.

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 Parts, sections and Schedules are references to Parts and 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 I of the Schedule to this Order is 1st December 2003.

5. The day appointed for the coming into force of the provisions specified in Part II of the Schedule to this Order is 4th December 2003.

6. The day appointed for the coming into force of the provisions specified in Part III of the Schedule to this Order is 1st January 2004.

7. The day appointed for the coming into force of the provisions specified in Part IV of the Schedule to this Order is 9th January 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
18th November 2003 The Presiding Officer of the National Assembly

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

SCHEDULE Articles 4, 5, 6 and 7

PART I

Provisions coming into force on 1st December 2003

Provision	*Subject matter*
Section 46	Admission Forums
Section 188 in so far as in so far as it relates to the provisions of Schedule 16 below	School inspections
Schedule 16, paragraphs 1 to 3	Amendments of School Inspections Act 1996

PART II

Provisions coming into force on 4th December 2003

Provision	*Subject matter*
Section 41	Determination of specified budgets of LE
Section 42	Power of Secretary of State to set minimum schools budget
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 theprovisions of Schedule 22 below	Repeals
Schedule 21,	Minor and consequential amendments
Paragraph 100 (1) and (2),	
Paragraph 113 in so far as not already in force except sub-paragraphs (a), (b) and (f),	
Paragraph 125,	
In Schedule 22, Part 3, the repeal of —	Repeals
School Standards and Framework Act 1998(**3**),	
Section 46,	
In section 143, the entry in relation to local schools budget.	

(**3**) 1998 c. 31.

PART III

Provisions coming into force on 1st January 2004

Provision	*Subject matter*
Sections 157 to 171	Regulation of independent schools
Sections 172 to 174	Independent schools: children with special educational needs
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 21, amendments	Minor and consequential
Paragraph 122(b),	
In Schedule 22, Part 3, the repeal of —	Repeals
Judicial Pensions and Retirement Act 1993(**4**), in Schedule 5, the reference to "Chairman of an Independent Schools Tribunal", in Schedule 7, paragraph 5(5) (xxvii),	
Education Act 1996, sections 464 to 478, section 537(9) and (10), in section 568, in subsection (2) the words "section 468, 471(1) and 474", in subsection (3) the words from "section 354(6)" to "401" and subsection (4), in section 580, the entries relating to register, registration; registered school; Registrar of Independent Schools, Schedule 34,	
School Inspections Act 1996(**5**), in section 10, subsection (3)(e) and, in subsection (4B), paragraph (f) and the preceding "or", in section 11(5), in paragraph (a), "e", in section 20(3), paragraph (b) and the preceding "or", in section 21, in subsection (4), paragraph (b) and the preceding "or", in Schedule 3, in the definition of "appropriate authority" in paragraph 1, in paragraph (c), "e",	
Teaching and Higher Education Act 1998(**6**), in section 3, subsection (3)(c),	
Care Standards Act 2000(**7**), section 100, in Schedule 4, paragraph 24.	

(**4**) 1993 c. 8.
(**5**) 1996 c. 57.
(**6**) 1998 c. 30.
(**7**) 2000 c. 14.

PART IV

Provisions coming into force on 9th January 2004

Provision	*Subject matter*
Section 51 in so far as it relates to the provisions of Schedule 4 below	Children permanently excluded from two or more schools
Section 52(1) to (6)	Exclusions
Section 207	Recoupment: adjustment between local education authorities
Section 208	Recoupment: special cases
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 1 and 4 schools	Children permanently excluded from two or more
Schedule 21, amendments	Minor and consequential
Paragraph 1 only in so far as it relates to allowances for exclusion appeal panels,	
Paragraph 2 except sub-paragraph (a),	
Paragraph 22 only in so far as it substitutes a new paragraph 15(b) of Schedule 1 to the Tribunals and Inquiries Act 1992,	
Paragraph 27(1) and (2),	
Paragraph 112 except in so far as it inserts the definition of "foundation governor",	
Paragraph 113 in so far as not already in force except subparagraphs (b) and (f),	
In Schedule 22, Part 3, the repeal of —	Repeals
Local Government Act 1974(**8**), section 25(5)(b),	
Education Act 1996(**9**), section 492, In Schedule 1, paragraph 7,	
Education Act 1997(**10**), In Schedule 7, paragraph 36,	
School Standards and Framework Act 1998, sections 64 to 68, Schedule 18.	

(**8**) 1974 c. 7.
(**9**) 1996 c. 56.
(**10**) 1997 c. 44.