WELSH STATUTORY INSTRUMENTS

2003 No. 2959 (W.277)

EDUCATION, WALES

The Education Act 2002 (Transitional Provisions and Consequential Amendments) (No.2) (Wales) Regulations 2003

Made - - - -	*18th November 2003*
Coming into force - -	*19th November 2003*

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**).

Name, commencement and application

1.—(1) These Regulations are called the Education Act 2002 (Transitional Provisions and Consequential Amendments) (No. 2) (Wales) Regulations 2003 and come into force on 19th November 2003.

(2) These Regulations apply to Wales.

Interpretation

2.—(1) In these Regulations —

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996(**2**);

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(**3**);

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

(2) In these Regulations references to sections and Schedules are references to, respectively, sections of and Schedules to the 2002 Act.

Financing of maintained schools

3. Section 45A of the 1998 Act, which is inserted by section 41(1)(**4**), is to have effect in the period ending immediately before 1st April 2004 only for the purposes of the financing of schools in any financial year beginning on and after that date.

(**1**) 2002 c. 32.
(**2**) 1996 c. 56.
(**3**) 1998 c. 31.
(**4**) Section 41(1) is to come into force on 4th December 2003 by virtue of S.I.2003/2961 (W.278) (C.108).

4. The amendment made by section 41(2)(**5**) to section 45(2) of the 1998 Act is not to apply in relation to a school's budget share for any financial year beginning before 1st April 2004.

5. Notwithstanding the coming into force of the repeal of section 46 of the 1998 Act and of the consequential amendments to sections 49(4) and 143 of that Act and to section 36 of the Learning and Skills Act 2000(**6**) (made by sections 41(3) and 215, and paragraphs 100(1) and (2), 113 and 125 of Schedule 21 and Part 3 of Schedule 22(**7**)) —

(a) the repeal of section 46 of the 1998 Act,

(b) the substitution of "LEA budget or schools budget" for "local schools budget" in section 49(4) of the 1998 Act,

(c) the substitution of "section 45A(3)" for "section 46(2)" in the entry beginning "individual schools budget" in section 143 of the 1998 Act,

(d) the repeal of the entry relating to local schools budget in section 143 of the 1998 Act, and

(e) the substitution of "schools budget" and "Schools budget" for "local schools budget" and "Local schools budget" in subsection (1)(a) and (3) of section 36 of the Learning and Skills Act 2000,

are not to have effect in relation to any financial year beginning before 1st April 2004.

Exclusions

6. During the period beginning on 9th January 2004 and ending immediately before the beginning of the day on which section 52(11) comes into force in relation to Wales, references in section 52(**8**) to a maintained school are to have effect as if they were references to a maintained school as defined by section 20(7) of the 1998 Act.

7.—(1) This paragraph applies where a pupil is excluded before 9th January 2004 by the head teacher of a maintained school or (as the case may be) the teacher in charge of a pupil referral unit.

(2) Notwithstanding the coming into force of —

(a) section 52(1) to (6), and

(b) the repeal of sections 64 to 68 of, and Schedule 18 to, the 1998 Act(**9**),

the following provisions, namely —

(i) sections 64 to 68 of, and Schedule 18 to, the 1998 Act, and

(ii) the Education (Pupil Referral Units) (Appeals against permanent exclusions) (Wales) Regulations 2003(**10**),

are to continue to have effect, as appropriate, in relation to an exclusion to which paragraph (1) applies.

(**5**) Section 41(2) is modified by regulation 4 of the Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002, S.I. 2002/3184 (W.300). It is to come into force on 4th December 2003 by virtue of S.I. 2003/2961 (W.278) (C.108).
(**6**) 2000 c. 21.
(**7**) Sections 41(3) and 215 (in part), and paragraphs 100(1), (2), 113 (in part) and 125 of Schedule 21 and Part 3 of Schedule 22 (in part) are to come into force on 4th December 2003 by virtue of S.I. 2003/2961 (W.278) (C.108).
(**8**) Section 52 is to come into force in part on 9th January 2004 by virtue of S.I. 2003/2961 (W.278) (C.108).
(**9**) Sections 64 to 68 of, and Schedule 18 to, the 1998 Act are to be repealed by section 215 of, and Schedule 22 to, the 2002 Act, on 9th January 2004 (*see* S.I. 2003/2961 (W.278) (C.108).
(**10**) S.I. 2003/287 (W.39).