WELSH STATUTORY INSTRUMENTS

2003 No. 1717 (W.184)

EDUCATION, WALES

The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2003

Made - - - -	*9th July 2003*
Coming into force - -	*31st July 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) (Wales) Regulations 2003 and come into force on 31st July 2003.

(2) These Regulations apply to Wales.

Interpretation

2.—(1) In these Regulations —

"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 these Regulations references to sections and Schedules are references to, respectively, sections of and Schedules to the 2002 Act.

Power of governing body to provide community facilities, etc

3.—(1) During the period beginning on 1st September 2003 and ending immediately before the beginning of the day on which section 21 comes into force in relation to Wales, section 28(3)(**3**) is to have effect as though there were substituted for the words "section 21(2)", the words "section 38(2) of the School Standards and Framework Act 1998".

(2) During the period beginning on 1st September 2003 and ending immediately before the beginning of the day on which the definition of "maintained school" in section 39 comes into force

(**1**) 2002 c. 32.
(**2**) 1998 c. 31.
(**3**) Section 28 is to come into force on 1st September 2003 by virtue of the Education Act 2002 (Commencement No. 2) (Wales) Order 2003, S.I.2003/1718 (W.185) (C.72).

in relation to Wales, references in sections 27, 29(1) and paragraph 3 of Schedule 1(**4**) (to the extent it is in force) 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.

(3) During the period beginning on 1st September 2003 and ending immediately before the beginning of the day on which paragraph 1 of Schedule 1 comes into force in relation to Wales, references in paragraph 3 of that Schedule(**5**) (to the extent that it is in force) to the governing body are to have effect as if they were references to the governing body of a maintained school incorporated under section 36(1) of the 1998 Act.

Amendment of the Education (Transfer of Functions Concerning School Lunches) (Wales) Order 1999

4.—(1) The Education (Transfer of Functions Concerning School Lunches) (Wales) Order 1999(**6**) is amended as follows.

(2) In article 2(1) the words "Subject to paragraph (3)," are deleted.

(3) In article 2(2)(a) the words "section 512(3) and (4)" are substituted for the words "section 512(1A) and (1B)".

(4) In article 2(2)(b) the words "section 512ZB(1)" are substituted for the words "section 512(3)(a)".

(5) Article 2(3) is revoked.

(6) Article 5 which has been incorrectly numbered is renumbered article 4.

(7) In article 4(1) and (2) (as re-numbered) the words "section 512ZA(2)" are substituted for the words "section 512(2)(b)" in each place they occur.

Amendment of the Education (Transfer of Functions Concerning School Lunches) (Wales) (No 2) Order 1999

5.—(1) The Education (Transfer of Functions Concerning School Lunches) (Wales) (No 2) Order 1999(**7**) is amended as follows.

(2) In article 2(1) the words "Subject to paragraph (3)" are deleted.

(3) In article 2(2)(a) the words "section 512(3) and (4)" are substituted for the words "section 512(1A) and (1B)".

(4) In article 2(2)(b) the words "section 512ZB(1)" are substituted for the words "section 512(3)(a)".

(5) Article 2(3) is revoked.

(6) In article 4(1) and (2) the words "section 512ZA(2)" are substituted for the words "section 512(2)(b)" in each place they occur.

Amendment of the Education (School Meals Staff) (Wales) Regulations 1999

6.—(1) The Education (School Meals Staff) (Wales) Regulations 1999(**8**) are amended as follows.

(**4**) Sections 27 and 9 and Schedule 1 (in part) are to come into force on 1st September 2003 by virtue of S.I. 2003/1718 (W.185) (C.72).
(**5**) Paragraph 3 of Schedule 1 is to come into force in part on 1st September 2003 by virtue of S.I. 2003/1718 (W.185) (C.72).
(**6**) S.I. 1999/610
(**7**) S.I. 1999/1779.
(**8**) S.I. 1999/2802.