WELSH STATUTORY INSTRUMENTS

# 2002 No. 3185 (W.301) (C.107)

# EDUCATION, WALES

## The Education Act 2002 (Commencement No. 1) (Wales) Order 2002

*Made - - - - 18th December 2002*

The National Assembly for Wales, in exercise of the power conferred upon it by section 216(3), (4)(b), (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. 1) (Wales) Order 2002.

**2.** This Order applies only in relation to Wales except in relation to—

Part 7,

sections 191 to 196 and Schedule 18,

paragraphs 5(1) to (4), (6) and 6 to 8 of Schedule 17 and section 189 so far as relating to those paragraphs,

Part 2 of Schedule 22 and section 215(2) so far as relating to that Part.

**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 19th December 2002.

**5.** The day appointed for the coming into force of the provisions specified in Part II of the Schedule to this Order is 31st March 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 September 2003.

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

**Transitional provisions and savings**

**7.** Despite the coming into force of section 49, and without prejudice to section 16(1) (c) of the Interpretation Act 1978(**2**), sections 86(3) (b) and 91 of the School Standards and Framework Act 1998(**3**) (special arrangements to preserve religious character of foundation or voluntary aided school) are to continue to have effect in relation to a maintained school's admission arrangements for any school year earlier than 2004 to 2005.

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

*D. Elis-Thomas*
18th December 2002 — The Presiding Officer of the Assembly

(**2**) 1978 c. 30.
(**3**) 1998 c. 31.
(**4**) 1998 c. 38.

**SCHEDULE** **Articles 4, 5 and 6**

# PART 1

## PROVISIONS COMING INTO FORCE ON 19th DECEMBER 2002

| PROVISION | SUBJECT MATTER |
|---|---|
| Section 49 | Repeal of power to make certain special arrangements for preserving religious character |
| Sections 54, 55, 56 | Schools causing concern |
| Section 75 in so far as it relates to provisions of Schedule 10 below | Establishment etc of schools: changes to existing procedures |
| Sections 97, 98, 99(1), 100 except subsections (1)(b), (2)(b) and (5), 101 except subsection (3)(b), 103, 105 to 107, 108 except subsections (1)(a), (2) and (6), 109, 111 to 118 | The Curriculum in Wales |
| Section 131 | Appraisal of school teachers |
| Sections 132, 133, 134 (1), (4) and (5), 135 | School teachers' qualifications |
| Section 141 | Teachers — health and fitness |
| Section 145 | Teachers' qualifications — general |
| Section 148 in so far as it relates to provisions of Schedule 12 below | General Teaching Council for Wales |
| Section 151(2) | Childcare functions of National Assembly for Wales |
| Section 152 in so far as it relates to provisions of Schedule 13 below | Regulation of childminding and day care |
| Section 179(1), (4), (5) and (6) | Rights of entry in relation to inspections |
| Section 180 | Inspections of LEAs: rights of entry, etc |
| Section 188 in so far as it relates to provisions of Schedule 16 below | School inspections |
| Section 189 in so far as it relates to provisions of Schedule 17 below | Amendments of Part 5 of Education Act 1997 |
| Sections 191 to 194 | Regional provision of education for children with special educational needs |
| Section 196 | Publication and provision of material |
| Section 215(1) in so far as it relates to provisions of Schedule 21 below | Minor and consequential amendments |
| Section 215(2) in so far as it relates to provisions of Schedule 22 below | Repeals |
| Schedule 5 | Schools causing concern |

| PROVISION | SUBJECT MATTER |
|---|---|
| Schedule 10,<br>Paragraphs 1, 6, 11 and 15 | Establishment etc of schools: procedural changes |
| Schedule 12,<br>Paragraphs 1, 2, 4(1) and (3), 6 and 7 | General Teaching Council for Wales |
| Schedule 13,<br>Paragraphs 1 to 3, 5, 6, 7(1), (3), 8 | Regulation of childminding and day care |
| Schedule 16,<br>Paragraphs 4 to 9 | School inspections |
| Schedule 17,<br>Paragraphs 5 (1) — (4), (6), 6 to 8 Wales | Qualifications, Curriculum and Assessment Authority for |
| Schedule 21, amendments | Minor and Consequential |
| Paragraph 8, | |
| Paragraph 11, | |
| Paragraph 13, | |
| Paragraph 16, | |
| Paragraph 19, | |
| Paragraphs 20 and 21, | |
| Paragraphs 31, 32 and 33, | |
| Paragraph 45, | |
| Paragraph 46 (except sub-paragraph (6)), | |
| Paragraph 47 (except sub-paragraph (3)), | |
| Paragraph 48, | |
| Paragraph 51, | |
| Paragraph 53, | |
| Paragraph 57 (except sub-paragraph (a)), | |
| Paragraph 59 (except sub-paragraph (a)) , | |
| Paragraph 66, | |
| Paragraph 70, | |
| Paragraph 74, | |
| Paragraph 76 (except sub-paragraph (b)), | |
| Paragraph 78, | |
| Paragraph 81, | |
| Paragraph 85 (except sub-paragraph (b)), | |

| PROVISION | SUBJECT MATTER |
|---|---|
| Paragraphs 87 and 88, | |
| Paragraphs 95 and 96, | |
| Paragraph 98(1) and (2) (except sub-paragraphs (b) and (c)), | |
| Paragraph 99(1) and (3) (except sub-paragraph (a)), | |
| Paragraphs 104 and 105, | |
| Paragraphs 108 and 109, | |
| Paragraph 113 (except sub-paragraphs (a) to (d), (f) and (g)), | |
| Paragraph 114, | |
| Paragraph 117, | |
| Paragraph 118(1), (2), (3) (except sub-paragraph (b)), (4) (except sub-paragraph (a)(ii)) and (5), | |
| Paragraph 126(1), (2) in so far as it relates to the amendments of paragraphs 21 and 29 of Schedule 7 to the Learning and Skills Act 2000(**5**) and (3) in so far as it relates to the amendment of paragraph 39 of Schedule 7 to the Learning and Skills Act 2000. | |
| *In Schedule 22, Part 2, the repeal of —* | Repeals |
| Education Act 1997(**6**), in section 29, in subsection (2), paragraph (f) and the word "and" immediately preceding it, in section 32(3), the words "or approved" and the words "and subject to such conditions"; | |
| *In Schedule 22, Part 3, the repeal of —* | |
| Education (No. 2) Act 1986(**7**), section 49; | |
| Children Act 1989(**8**), in section 79M(1), the word "or" at the end of paragraph (a), in section 79U, subsection (5) and in subsection (9), the definition of "authorised inspector" ; | |
| Further and Higher Education Act 1992(**9**), in section 23(4), paragraph (b) and the word "and" immediately preceding it, sections 39 to 42, section 60; | |

(**5**) 2000 c. 21.
(**6**) 1997 c. 44.
(**7**) 1986 c. 61.
(**8**) 1989 c. 41.
(**9**) 1992 c. 13.