WELSH STATUTORY INSTRUMENTS

2002 No. 3184 (W.300)

EDUCATION, WALES

The Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002

Made - - - -	*18th December 2002*
Coming into force - -	*19th December 2002*

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) (Wales) Regulations 2002 and shall come into force on 19th December 2002.

(2) These Regulations apply to Wales.

Interpretation

2.—(1) In these Regulations—

"the 1996 Act" ("*Deddf 1996*") means the School Inspections 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;

"an inspector's report" ("*adroddiad arolygydd*") means a report made under section 5(2)(b), section 13 or section 14 of the 1996 Act.

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

Modifications relating to schools causing concern

3. Where an inspector's report has been made before 19th December 2002:

(a) section 15(4) and (6) of the 1998 Act shall have effect as if the amendments made by section 55 had not come into force;

(**1**) 2002 c. 32.
(**2**) 1996 c. 57.
(**3**) 1998 c. 31.

(b) the National Assembly for Wales may exercise any of the powers conferred on it by sections 18(1) or 19(1) of the 1998 Act as if the report had been prepared after that date and a notice had been given under section 16A(2)(**4**) of the 1996 Act;

(c) a local education authority may exercise the powers conferred on it by sections 14(2)(a) or (b), 16 or 17 of the 1998 Act as if the report had been prepared after that date and a notice had been given under section 16A(2) of the 1996 Act.

Modification of provision relating to financing of schools

4. Section 41(2) shall have effect as though there were substituted for the words "subsection (1)" the words "subsection (2)".

Modification of provisions relating to the Curriculum

5.—(1) In this regulation references to the modification period are references to the period beginning on 19th December 2002 and ending on the day when sections 102, 104 and 108(2) come into force.

(2) During the modification period sections 99(1), 100(1)(a), (2)(a) and (3), 111(1), 114(1) and (5) and 115(4)(a) shall have effect as if the words "or maintained nursery school" were omitted, and section 111(3) shall have effect as if the words "or a maintained nursery school" were omitted.

(3) During the modification period section 100 shall have effect as if there were substituted for paragraph (4) (b)—

"(b) functions relating to religious education and religious worship.".

(4) During the modification period section 101 shall have effect as if there were substituted for paragraph (1)(b)—

"(b) a curriculum for all registered pupils at the school of compulsory school age (known as "the National Curriculum for Wales"),".

(5) During the modification period section 108 shall have effect as though these were omitted—

(a) in subsection (1)(b) the words "the foundation stage and";

(b) in subsection (4), "(2) or", "the foundation stage or", "educational programme or" and "(or the timetables of any person providing funded nursery education)";

(c) in subsection (5) "(2) or";

(d) in subsection (8) "(2)(b) (iii) or" ;

(e) in subsection (10) "(6) or" and "or, as the case may be, premises on which the funded nursery education is being provided"; and

(f) in subsection (11) "(2)(b)(iii) or" and "(6) or".

(6) Paragraph 6(1) of Schedule 1 to the Education Act 1996(**5**) shall have effect as though there were substituted for the words "section 351(1)" the words "section 78(1) or 99(1) of the Education Act 2002".

Modification of provisions relating to teachers

6.—(1) During the period beginning on 19th December 2002 and ending on the day on which regulations under section 132 come into force, that section shall have effect as though there were substituted for subsection (1)—

(**4**) Inserted by section 54.
(**5**) 1996 c. 56.