

NATIONAL ASSEMBLY FOR WALES

S T A T U T O R Y I N S T R U M E N T S

2003 No. (W.)

EDUCATION, WALES

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st December 2003, 4th December 2003, 1st January 2004 and 9th January 2004 those provisions of the Education Act 2002 specified in Parts I, II, III and IV of the Schedule to this Order.

References below to sections and Schedules (without more) are references to sections of and Schedules to the Education Act 2002.

In the case of provisions brought into force by this Order which amend existing legislation, references to the Secretary of State in those provisions are to be read, in relation to Wales, as references to the National Assembly for Wales – see section 211.

The effect of the provisions specified in Part I of the Schedule is as follows —

Section 46 inserts a new section 85A of the School Standards and Framework Act 1998 (“the 1998 Act”), requiring LEAs to establish admission forums in accordance with regulations to be made by the National Assembly for Wales (“the National Assembly”). The forums will advise LEAs on matters relating to school admissions.

Section 188 and paragraphs 1 to 3 of Schedule 16 amend the School Inspections Act 1996 so as to require the Chief Inspector for Wales to keep the National Assembly informed of the quality of the leadership in, and management of, schools in Wales, including whether financial resources are managed efficiently. This information is also to be included in a

report by a registered inspector conducting an inspection of a school.

The effect of the provisions specified in Part II of the Schedule is as follows —

Section 41 inserts a new section 45A of the the 1998 Act which relates to the funding arrangements for LEAs and schools. New definitions of “LEA budget” and “schools budget” are introduced. Regulations will set out the details.

Section 42 inserts new sections 45B and 45C of the 1998 Act which enable the National Assembly to set a minimum schools budget for an LEA if the budget proposed by the LEA is inadequate or if the LEA have failed to notify the National Assembly of their proposed budget.

Section 215 and Schedules 21 and 22 make minor and consequential amendments and repeals.

The effect of the provisions specified in Part III of the Schedule is as follows —

Sections 157 to 171 provides for a new system for regulating independent schools. Regulations made by the National Assembly under section 157 will set out the standards independent schools will be required to meet. Section 158 provides for the continuation of the register of independent schools which is to be kept by the National Assembly. Section 159 makes it an offence to run an independent school which is not registered and gives the Chief Inspector for Education and Training in Wales rights of entry to premises.

Section 160 sets out the information to be included by a proprietor of a school in an application for registration and provides for the Chief Inspector to inspect the school. The National Assembly will decide under section 161 whether the school meets the independent school standards in which case it will register the school. Under section 162 the National Assembly can remove a school from the register if there has been a change of proprietor, a change of address or a specified change in relation to the pupils or accommodation, and that change has not been approved. Section 162 also makes provision in relation to applications for approval. Sections 163 and 164 make provision in relation to inspections of independent schools and inspection reports. Section 165 provides that where a school is not meeting the

independent school standards the National Assembly can remove the school from the register or require the school to prepare and implement an action plan. Sections 166 and 167 provide for a right of appeal to the tribunal established under the Protection of Children Act 1999, against a refusal to approve a material change, a decision to remove a school from the register, an order to take specified action or a refusal to vary or revoke such an order. The sections set out the procedures for making such an appeal and the powers of the tribunal.

Section 168 enables the National Assembly to make regulations requiring information about a school to be provided. Section 169 enables the National Assembly to remove a school from the register if any person is carrying out work at the school in contravention of a direction or order. Section 170 makes provision in relation to the service of notices and section 171 contains definitions.

Section 172 amends the definition of independent school in section 463 of the Education Act 1996 (“the 1996 Act”) so that it now includes a school which has at least one pupil with a statement of special educational needs or who is looked after by a local authority. Section 173 amends section 327 of the 1996 Act to give LEAs a right of access to independent schools to monitor provision made for children with special educational needs. Section 174 amends section 347 of the 1996 Act to provide that when giving consent to the placement of a child at an independent school, the National Assembly must be satisfied that there is a place available at the school.

Section 215 and Schedules 21 and 22 make minor and consequential amendments and repeals.

The effect of the provisions specified in Part IV of the Schedule is as follows —

Section 51 and Schedule 4, paragraphs 1 and 4, amend section 87 of the 1998 Act (which removes the requirement to admit a child who has been permanently excluded from two or more schools). Section 87 of the 1998 Act, as amended, provides that a child is not to be regarded as permanently excluded if a governing body or exclusion panel would have directed that the child be reinstated, had it been practical and appropriate to do so.

Section 52(1) to (6) gives the head teacher of a maintained school, and the teacher in charge

of a pupil referral unit, the power to exclude a pupil on disciplinary grounds. The procedures in relation to exclusion, reinstatement and appeals are to be set out in regulations made by the National Assembly.

Section 207 re-enacts section 492 of the 1996 Act and provides for the National Assembly to make regulations in relation to inter-authority recoupment. Section 208 transfers to the National Assembly the power to make regulations under section 493 of the 1996 Act, which deals with recoupment in relation to permanently excluded pupils.

Section 215 and Schedules 21 and 22 make minor and consequential amendments and repeals.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Education Act 2002 have been brought into force in relation to Wales by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 14 to 17	31 st March 2003	2002/3185 (W.301)
Section 18(2)	31 st March 2003	2002/3185 (W.301)
Section 19(6) (partially)	1 st September 2003	2003/1718 (W.185)
Sections 27 and 28	1 st September 2003	2003/1718 (W.185)
Section 29	1 st September 2003	2003/1718 (W.185)
Section 40 (partially)	1 st September 2003	2003/1718 (W.185)
Section 43	1 st November 2003	2003/1718 (W.185)
Section 49	19 th December	2002/3185

	2002	(W.301)
Sections 54 to 56	19 th December 2002	2002/3185 (W.301)
Sections 60 to 64	1 st August 2003	2003/1718 (W.185)
Section 75 (partially)	19 th December 2002	2002/3185 (W.301)
Sections 97 and 98	19 th December 2002	2002/3185 (W.301)
Section 99(1)	19 th December 2002	2002/3185 (W.301)
Section 100 (partially)	19 th December 2002	2002/3185 (W.301)
Section 101 (partially)	19 th December 2002	2002/3185 (W.301)
Section 103	19 th December 2002	2002/3185 (W.301)
Sections 105 to 107	19 th December 2002	2002/3185 (W.301)
Section 108 (partially)	19 th December 2002	2002/3185 (W.301)
Section 109	19 th December 2002	2002/3185 (W.301)
Sections 111 to 118	19 th December 2002	2002/3185 (W.301)
Section 119	1 st October 2002	2002/2439
Section 120(1) and (3) to (5)	1 st October 2002	2002/2439
Section 120(2)	1 st August 2003	2003/1667
Section 121	1 st October 2002	2002/2439
Section 122 to 129	1 st August 2003	2003/1667
Section 130 (partially)	1 st October 2002	2002/2439
(fully)	1 st August 2003	2003/1667

Section 131	19 th December 2002	2002/3185 (W.301)
Sections 132 and 133	19 th December 2002	2002/3185 (W.301)
Section 134 (partially)	19 th December 2002	2002/3185 (W.301)
Section 135	19 th December 2002	2002/3185 (W.301)
Sections 136 to 140	1 st September 2003	2003/1718 (W.185)
Section 141	19 th December 2002	2002/3185 (W.301)
Sections 142 to 144	31 st March 2003	2002/3185 (W.301)
Section 145	19 th December 2002	2002/3185 (W.301)
Section 146 (partially)	31 st March 2003	2002/3185 (W.301)
Section 148 (partially)	19 th December 2002	2002/3185 (W.301)
Section 149	31 st March 2003	2002/3185 (W.301)
Section 150	31 st March 2003	2002/3185 (W.301)
Section 151(2)	19 th December 2002	2002/3185 (W.301)
Section 152 (partially)	19 th December 2002	2002/3185 (W.301)
Section 178(1) and (4)	1 st August 2003	2003/1718 (W.185)
Section 179 (partially)	19 th December 2002	2002/3185 (W.301)
Section 180	19 th December 2002	2002/3185 (W.301)
Sections 181 to 185	1 st September 2003	2003/1718 (W. 185)

Section 188 (partially)	19 th December 2002	2002/3185 (W.301)
Section 189 (partially)	19 th December 2002	2002/3185 (W.301)
Sections 191 to 194	19 th December 2002	2002/3185 (W.301)
Section 195 (partially)	31 st March 2003	2002/3185 (W.301)
(fully)	1 st September 2003	2002/3185 (W.301)
Section 196	19 th December 2002	2002/3185 (W.301)
Section 197	1 st September 2003	2003/1718 (W.185)
Section 199	1 st September 2003	2003/1718 (W.185)
Section 200	31 st March 2003	2002/3185 (W.301)
Section 201 (partially)	31 st March 2003	2002/3185 (W.301)
Sections 202 and 203	1 st September 2003	2003/1718 (W.185)
Section 206	1 st September 2003	2003/1718 (W.185)
Section 215 (partially)	19 th December 2002	2002/3185 (W.301)
(partially)	31 st March 2003	2002/3185 (W.301)
(partially)	1 st August 2003	2003/1718 (W.185) and 2003/1667
(partially)	1 st September 2003	2002/3185 (W.301) and 2003/1718 (W.185)
Schedule 1, paragraph 3	1 st September 2003	2003/1718 (W.185)

(partially)

Schedule 3, paragraphs 1 to 5	1 st September 2003	2003/1718 (W.185)
Schedule 5	19 th December 2002	2002/3185 (W.301)
Schedule 10, paragraphs 1, 6, 11 and 15	19 th December 2002	2002/3185 (W.301)
Schedule 11	1 st October 2002	2002/2439
Schedule 12, paragraphs 1, 2, 4(1) and (3), 6 and 7,	19 th December 2002	2002/3185 (W.301)
Paragraph 12(1) and (2)	31 st March 2003	2002/3185 (W.301)
Schedule 13, paragraphs 1 to 3, 5, 6, 7(1) and (3) and 8	19 th December 2002	2002/3185 (W.301)
Schedule 16, paragraphs 4 to 9	19 th December 2002	2002/3185 (W.301)
Schedule 17, paragraphs 5(1) to (4), (6) and 6 to 8	19 th December 2002	2002/3185 (W.301)
Schedule 18, paragraphs 1, 4, 5 and 7,	31 st March 2003	2002/3185 (W.301)
Paragraph 8 (partially),	31 st March 2003	2002/3185 (W.301)
Paragraphs 13 to 15,	31 st March 2003	2002/3185 (W.301)
Paragraphs 2, 3, 6, 8 (fully), 9 to 12 and 16 to 18	1 st September 2003	2002/3185 (W.301)
Schedule 19	1 st September 2003	2003/1718 (W.185)

Schedule 20	1 st September 2003	2003/1718 (W.185)
Schedule 21 (partially)	1 st October 2002	2002/2439
(partially)	19 th December 2002	2002/3185 (W.301)
(partially)	31 st March 2003	2002/3185 (W.301)
(partially)	1 st August 2003	2003/1667
(partially)	1 st September 2003	2003/1718 (W.185)
Schedule 22 (partially)	1 st October 2002	2002/2439
(partially)	9 th December 2002	2002/3185 (W.301)
(partially)	31 st March 2003	2002/3185 (W.301)
(partially)	1 st August 2003	2003/1718 (W.185)
(partially)	1 st September 2003	2002/3185 (W.301), 2003/1718 (W.185) and 2003/1667

Various provisions of the Education Act 2002 have been brought into force in relation to England by the following Statutory Instruments: S.I. 2002/2002 (as amended by S.I. 2002/2018), S.I. 2002/2439, S.I. 2002/2952, S.I. 2003/124, S.I. 2003/1115, S.I. 2003/1667 and S.I. 2003/2071.

2003 No. (W.)

EDUCATION, WALES

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

Made

2003

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(a), 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.

(a) 2002 c.32.

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

Date

The Presiding Officer of the National Assembly

(a) 1998 c.38.

PART I

Provisions coming into force on 1st December 2003

<i>Provision</i>	<i>Subject matter</i>
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

<i>Provision</i>	<i>Subject matter</i>
Section 41	Determination of specified budgets of LEA
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 the provisions 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, Repeals
the repeal of –

School Standards and
Framework Act
1998(a),
Section 46,
In section 143, the entry
in relation to local
schools budget.

PART III

Provisions coming into force on 1st January
2004

<i>Provision</i>	<i>Subject matter</i>
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,	Minor and consequential amendments

Paragraph 122(b),

In Schedule 22, Part 3, Repeals

(a) 1998 c.31.

the repeal of –

Judicial Pensions and
Retirement Act

1993(a),

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(a)

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”,

(a) 1993 c.8.

Teaching and Higher
Education Act 1998**(b)**,
in section 3, subsection
(3)(c),

Care Standards Act
2000**(c)**,
Section 100,
In Schedule 4,
paragraph 24.

PART IV

Provisions coming into force on 9th January
2004

<i>Provision</i>	<i>Subject matter</i>
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	Children permanently excluded from two or more schools
Schedule 21,	Minor and consequential amendments
Paragraph 1 only in so far	

(a) 1996 c.57.
(b) 1998 c.30.
(c) 2000 c.14.

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, Repeals
the repeal of —

Local Government Act
1974(a), section
25(5)(b),

Education Act 1996(b),
section 492,
In Schedule 1,
paragraph 7,

Education Act 1997(c),
In Schedule 7,
paragraph 36,

(a) 1974 c.7.
(b) 1996 c.56.
(c) 1997 c.44.

School Standards and
Framework Act 1998,
sections 64 to 68,
Schedule 18.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2003 No. (W.)

EDUCATION, WALES

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make modifications to the Education Act 2002 and make transitional provisions in connection with the bringing into force of provisions of the Act by the Education Act 2002 (Commencement No 3) (Wales) Order 2003. They also make consequential amendments.

References below to sections and Schedules (without more) are references to sections of, and Schedules to, the Education Act 2002.

Regulations 3 to 5 make provision in connection with the coming into force of section 41 which makes new provision in relation to the financing of maintained schools and the determination of budgets. The new provisions are to have effect only in relation to financial years beginning on and after 1st April 2004.

Regulations 6 and 7 make provision in connection with the coming into force of section 52(1) to (6) which relates to the exclusion of pupils. Until section 52(11) comes into force (the effect of which is to include maintained nursery schools in the definition of maintained school), references in section 52 to a

maintained school are to have effect as if they were references to a maintained school as defined in the School Standards and Framework Act 1998 (“the 1998 Act”), which does not include a maintained nursery school. In relation to pupil exclusions taking place before 9th January 2004 the relevant provisions of the 1998 Act and the Education (Pupil Referral Units) (Appeals against Permanent Exclusions) (Wales) Regulations 2003 are to continue to have effect.

Regulation 8 makes provision in connection with the coming into force of Part 10 of the Education Act 2002 which sets out a new system for regulating independent schools. The new provisions relating to action plans will not apply to schools which were provisionally registered under the Education Act 1996 until 1st January 2006. Where a contract to inspect an independent school approved under section 347 of the Education Act 1996 was awarded before 1st January 2004, provision is made allowing the inspection to be carried out under the School Inspection Act 1996 rather than under the new system. The new definition of independent school (which includes a school with one or more pupils with a statement of special educational needs or who is looked after) is not to apply until 1st September 2004 to a children’s home in relation to the carrying on of which a person was registered before 1st January 2004.

Regulation 9 makes provision in connection with the coming into force of section 207 which enables the National Assembly for Wales to make regulations providing for recoupment between local education authorities. Until new regulations are made under section 207, the Education (Inter-Authority Recoupment) Regulations 1994 are to continue in force.

Regulation 10 amends the Education (Infant Class Sizes) (Wales) Regulations 1998 so as to substitute the term “school teacher” for the term “qualified teacher”. This is consequential on the coming into force on 19th December 2002 of amendments made by Schedule 21 to sections 1 and 4 of the 1998 Act.

S T A T U T O R Y I N S T R U M E N T S

2003 No. (W.)

EDUCATION, WALES

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

Made 2003

Coming into force 14th 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(a).

Name, commencement and application

8.—(1) These Regulations are called the Education Act 2002 (Transitional Provisions and Consequential Amendments) (No. 2) (Wales) Regulations 2003 and come into force on 14th November 2003.

(2) These Regulations apply to Wales.

Interpretation

9.—(1) In these Regulations –

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996(b);

“the 1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998(c)

“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

10. Section 45A of the 1998 Act, which is inserted by section 41(1)(a), is to have effect in the period

(a) 2002 c. 32.

(b) 1996 c.56.

(c) 1998 c.31.

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.

11. The amendment made by section 41(2)(b) to section 45(1) 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.

12. 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(c) (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(d)) —

- (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

13. 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(e) 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.

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- (a) Section 41(1) is to come into force on 4th December 2003 by virtue of S.I. 2003/... (W).
 - (b) 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/... (W.).
 - (c) 2000 c.21.
 - (d) 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/... (W.).
 - (e) Section 52 is to come into force in part on 9th January 2004 by virtue of S.I. 2003/... (W.).

14.—(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^(a),

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^(b),

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

Independent schools

15.—(1) Notwithstanding the coming into force of section 165^(c), that section (except for subsections (1), (2), (12) and (13)) is not to apply until 1st January 2006 to any school which was provisionally registered pursuant to section 465(3) of the 1996 Act on 31st December 2003.

(2) Notwithstanding the repeal of provisions of sections 10(3), (4B), 11(5), 20(3), 21(4) of the School Inspection Act 1996^(d) and provisions of paragraph 1 of Schedule 3 to that Act, where a contract has been awarded consequent on an invitation to tender under paragraph 2 of Schedule 3 to that Act before 1st January 2004 to inspect an independent school approved by the National Assembly for Wales under section 347(1) of the 1996 Act —

- (a) the inspection may be carried out in accordance with the contract, and
- (b) where the inspection is carried out in accordance with the contract, section 10, and Chapter II of Part 1 of the School Inspection Act 1996 Act, and Schedule 3 to that Act, are to continue to apply in relation to that inspection.

^(a) 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/.... (W..)).

^(b) S.I. 2003/287 (W.39).

^(c) Section 165 is to come into force on 1st January 2004 by virtue of S.I. 2003/.... (W..).

^(d) 1996 c.57. Sections 10(3), (4B), 11(5), 20(3), 21(4), and paragraph 1 of Schedule 3 are to be repealed in part by section 215(2) of, and Part 3 of Schedule 22 to, the 2002 Act, on 1st January 2004 (see S.I. 2003/...(W.)).

(3) Notwithstanding the coming into force of section 172(a), the substitution of section 463 of the 1996 Act is not to apply until 1 September 2004 in relation to a children's home within the meaning of section 1(6) of the Care Standards Act 2000(b) if an application for registration under section 13 of the Care Standards Act 2000 to carry on the children's home was granted before 1st January 2004.

Recoupment

16. Notwithstanding the coming into force of the repeal of section 492 of the 1996 Act(c), during the period beginning on 9th January 2004 and ending immediately before the beginning of the day on which regulations made by the National Assembly for Wales under section 207 come into force, the Education (Inter-authority Recoupment) Regulations 1994(d) are to continue to have effect in relation to Wales as though they were made by the National Assembly under section 207 and as though there were substituted for the words “the Secretary of State” in regulation 3(2)(b) the words “the National Assembly for Wales”.

Amendment of the Education (Infant Class Sizes) (Wales) Regulations 1998

17.—(1) The Education (Infant Class Sizes) (Wales) Regulations 1998(e) are amended as follows.

(2) In regulation 2(1) omit the definition of “qualified teacher” and insert after the definition of “school” the following definition —

““school teacher” has the meaning given by section 4 of the 1998 Act(f);”.

(3) In regulation 3(2) and (3) substitute for the words “qualified teacher” the words “school teacher”.

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

Date

The Presiding Officer of the National Assembly

(a) Section 172 is to come into force on 1st January 2004 (*see* S.I. 2003/ (W.).

(b) 2000 c.14.

(c) Section 492 of the 1996 Act is to be repealed by section 215 of, and Schedule 22 to, the 2002 Act, on 9th January 2004 (*see* S.I. 2003/... (W.).

(d) S.I. 1994/3251.

(e) S.I. 1998/1943.

(f) Section 4 of the 1998 Act is amended by section 215(1) of, and paragraph 88 of Schedule 21 to, the 2002 Act.

(g) 1998 c.38.

