

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
(Transitional Provisions and
Consequential Amendments)
(Wales) Regulations 2003**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply transitional modifications to the Education Act 2002 in connection with the bringing into force of provisions of the Act by the Education Act 2002 (Commencement No 2) (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.

Regulation 3 makes provision in connection with the coming into force of sections 27 and 28 which enable governing bodies to provide community facilities and section 29 which relates to governing bodies' additional functions. Until section 21 comes into force, section 28 is to have effect as if it refers to the duty of a governing body to promote high standards of educational achievement at the school contained in section 38(2) of the School Standards and Framework Act 1998 (the 1998 Act). Until the definition of maintained school in section 39 (which includes a maintained nursery school) comes into force, the references in section 27 and Schedule 1 to a maintained school are to have effect as if they were references to a maintained school as defined in the 1998 Act, which does not include a maintained nursery school. Until paragraph 1 of Schedule 1 comes into force, references to a governing body in paragraph 3 of Schedule 1 are to have effect as if they were references to a governing body incorporated under the 1998 Act.

Regulations 4 to 6 make amendments to the Education (Transfer of Functions Concerning School Lunches) (Wales) Order 1999, the Education (Transfer of Functions Concerning School Lunches) (Wales) (No. 2) Order 1999 and the Education (School Meals Staff) (Wales) Regulations 1999. These are consequential on the bringing into force on 31st March 2003 of section 201 which makes provision in relation to LEA functions concerning provision of school meals.

Regulations 7 and 8 amend the Education (Special Educational Needs) (Wales) Regulations 2002 and the Further Education Teachers' Qualifications (Wales) Regulations 2002, so as to refer to "academies" instead of "city academies". This is consequential on the coming into force on 26th July 2002 of section 67 which provides that city academies are to be known as academies. Academies can be established only in England.

2003 No. (W.)

EDUCATION, WALES

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

Made *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

⁽¹⁾ 2002 c. 32.

⁽²⁾ 1998 c.31.

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 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.

(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/... (W..).

(4) Section 27 and Schedule 1 (in part) are to come into force on 1st September 2003 by virtue of S.I. 2003/... (W..).

(5) Paragraph 3 of Schedule 1 is to come into force in part on 1st September 2003 by virtue of S.I. 2003/... (W..).

(6) S.I. 1999/610.

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.

(2) In the definition of “section 512A Order” in regulation 1(3) the words “section 512A(2)(b)” are substituted for the words “section 512(2)(b)”.

Amendment of the Education (Special Educational Needs) (Wales) Regulations 2002

7.—(1) The Education (Special Educational Needs) (Wales) Regulations 2002(9) are amended as follows.

(2) In regulation 18(2)(e) the words “an Academy” are substituted for the words “City Academy”.

Amendment of the Further Education Teachers’ Qualifications (Wales) Regulations 2002

8.—(1) The Further Education Teachers’ Qualifications (Wales) Regulations 2002(10) are amended as follows.

(2) In regulation 3(1)(b)(i) the words “an academy” are substituted for the words “city academy”.

(7) S.I. 1999/1779.

(8) S.I. 1999/2802.

(9) S.I. 2002/152 (W. 20).

(10) S.I. 2002/1663 (W. 158).

Signed on behalf of the National Assembly for Wales
under section 66(1) of the Government of Wales Act
1998⁽¹¹⁾

Date

The Presiding Officer of the National Assembly

⁽¹¹⁾ 1998 c.38.