
WELSH STATUTORY INSTRUMENTS

2005 No. 2910 (W.207) (C.124)

EDUCATION, WALES

**The Education Act 2002 (Commencement
No. 7) (Wales) Order 2005**

Made - - - - - *18 October 2005*
Coming into force - - - *31 October 2005*

The National Assembly for Wales, in exercise of the power conferred upon it by section 216 (4)(b) and (5) of the Education Act 2002(1), hereby makes the following Order:

Title, application and interpretation

1. The title of this Order is the Education Act 2002 (Commencement No.7) (Wales) Order 2005.
2. Provisions brought into force by this Order are brought into force in relation to Wales.
3. In this Order, unless otherwise stated, references to sections and Schedules are references to sections of and Schedules to the Education Act 2002.

Appointed day

4. The day appointed for the coming into force of the provisions specified in the Schedule to this Order is 31 October 2005.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

18 October 2005

D. Elis-Thomas
The Presiding Officer of the National Assembly

(1) 2002 c. 32.
(2) 1998 c. 38.

THE SCHEDULE

Article 4

Provisions coming into force on 31 October 2005

Provision	Subject matter
Section 19(1) to (7)	Governing bodies
Section 20(1) to (3), (5)	Instruments of government
Section 23	Clerk to the governing body
Section 33	Annual parents' meetings
Section 34	Arrangements for government of new schools
Section 39	Interpretation of Chapter 1
Section 52(11)	Exclusion of pupils
Section 53	Attendance targets
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 1 in so far as not already in force	Incorporation and Powers of Governing Body
Schedule 21	Minor and Consequential Amendments
Paragraph 12;	
Paragraphs 23 and 25;	
Paragraph 26;	
Paragraph 27(3);	
Paragraph 28;	
Paragraph 29;	
Paragraphs 35 to 38;	
Paragraph 39(2) to (4);	
Paragraphs 40 to 44;	
Paragraph 50;	
Paragraph 52;	
Paragraph 57 in so far as not already in force;	
Paragraph 58;	
Paragraph 59 in so far as not already in force;	
Paragraphs 60 to 62;	
Paragraph 63 in so far as it is not already in force;	
Paragraphs 64 and 65;	
Paragraph 67;	

Provision	Subject matter
Paragraphs 92 to 94;	
Paragraphs 98(3);	
Paragraph 99(2) and (3)(a);	
Paragraphs 101 to 103;	
Paragraph 106;	
Paragraph 110(2);	
Paragraph 110(3)(b) in so far as it relates to paragraph (h) of subsection (6) of section 127 of the School Standards and Framework Act 1998;	
Paragraph 110(3)(c) except in relation to the new paragraphs (n), (o), (p) and (q) of subsection (6) of section 127 of the School Standards and Framework Act 1998;	
Paragraph 112 in so far as not already in force;	
Paragraph 113 in so far as not already in force;	
Paragraph 118(6);	
Paragraph 127.	
Schedule 22, Part 3, the repeal of—	Repeals
Education Act 1994(3), section 4(4);	
Disability Discrimination Act 1995(4), in Schedule 4A, in the Table in paragraph 1, paragraph 3;	
Education Act 1996(5), section 29(6), in section 316A (11)(b) the words “a maintained nursery school or”, in section 317 subsection (3)(b) and the word “and” preceding it, in section 329A (13)(a), the words “ a maintained nursery school or”;	
School Inspections Act 1996(6), in section 11(5), paragraph (b), in section 15(4) (c) the words “except where the school is a maintained nursery school”, in section 21, in subsection (3)(b) the words “except in the case of a maintained nursery school”, in Schedule 3, in the definition of “appropriate authority” in paragraph 1, paragraph (b);	

(3) 1994 c. 30.

(4) 1995 c. 50.

(5) 1996 c. 56.

(6) 1996 c. 57.

Provision	Subject matter
School Standards and Framework Act 1998(7). sections 36 and 37, section 43, section 44, in section 63, in subsections (1) and (3) the word “unauthorised” and, in subsection (4), the definition of “unauthorised absence”, section 127(6)(h), in section 138, in subsection (2)(b), the words “paragraph 3(5) or 4 of Schedule 10”, Schedules 9 and 10, Schedule 11 in so far as not already repealed, Schedule 12.	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 31 October 2005 those provisions of the Education Act 2002 specified in 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 the Schedule to this Order is as follows—

Sections 19, 20, 23, 33, 34, 39 and Schedule 1 make provision in relation to the government of maintained schools, replacing various provisions of the School Standards and Framework Act 1998 (“the 1998 Act”). Section 19 and Schedule 1 require every maintained school to have a governing body. Regulations made by the National Assembly will, set out the requirements relating to the membership and procedures of governing bodies.

Section 20 requires every maintained school to have an instrument of government which determines the constitution of the governing body and other matters relating to the school. National Assembly Regulations will set out the requirements as to the making and the content of instruments of government.

Section 23 enables the National Assembly to make regulations allowing governing bodies to work together by discharging their functions jointly or through joint committees.

Under section 33 a governing body must hold an annual parents' meeting. The National Assembly may make regulations setting out the circumstances in which a governing body is exempt from holding a meeting.

Section 34 sets out the arrangements for the government of new schools. The LEA is required to constitute a temporary governing body. Details as to the arrangements will be set out in regulations made by the National Assembly.

(7) 1998 c. 31.