

---

WELSH STATUTORY INSTRUMENTS

---

**2008 No. 1728 (W.168) (C.75)**

**EDUCATION, WALES**

The Education Act 2002 (Commencement  
No. 12) (Wales) Order 2008

Made - - - -

1 July 2008

The Welsh Ministers, in exercise of the power conferred upon the National Assembly for Wales by section 216(3), (4) and (5) of the Education Act 2002<sup>(1)</sup> and now vested in them<sup>(2)</sup>, make the following Order:

**Title and interpretation**

1. The title of this Order is the Education Act 2002 (Commencement No. 12) (Wales) Order 2008.
2. 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**

3. The day appointed for the coming into force of the provisions specified in Part 1 (provisions coming into force in relation to Wales and England) and Part 2 (provisions coming into force in relation to Wales only) of the Schedule to this Order is 1 August 2008.

1 July 2008

*Jane Hutt*  
Minister for Children, Education, Lifelong  
Learning and Skills, one of the Welsh Ministers

---

<sup>(1)</sup> 2002 c. 32.

<sup>(2)</sup> The functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## THE SCHEDULE

Article 3

**PART 1**

Provisions coming into force on 1 August 2008 in relation to Wales and England

<i>Provision</i>	<i>Subject matter</i>
Section 99(2)	General requirements in relation to curriculum
Section 100(1)(b), (2)(b), (5)	Duty to implement general requirements
Section 101(3)(b)	Basic curriculum for every maintained school in Wales
Section 102	The foundation stage
Section 104	Curriculum requirements for foundation stage
Section 108(1)(a), (2), (6)	Establishment of the National Curriculum for Wales by order
Section 110	Implementation in respect of nursery schools etc

**PART 2**

Provisions coming into force on 1 August 2008 in relation to Wales

<i>Provision</i>	<i>Subject matter</i>
Section 205	Application of Part 5 of Education Act 1996 to nursery education
Section 215 in so far as relating to the provisions of Schedules 21 and 22 below	Minor and consequential amendments and repeals
Schedule 21, paragraph 46(6)	Consequential and minor amendments
Schedule 22 in Part 3, the repeal of — Education Act 1996, section 410	Repeals

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force on 1 August 2008 provisions of the Education Act 2002 specified in the Schedule to the Order. These are the provisions of Part 7 of the 2002 Act (the curriculum in Wales) that have not yet been commenced together with consequential amendments and repeals and they relate to the introduction of the foundation stage in Wales.

**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 March 2003	2002/3185 (W.301)
Section 18(1)	2 January 2008	2007/3611 (W.318)
Section 18(2)	31 March 2003	2002/3185 (W.301)
Section 19(6) (partially)	1 September 2003	2003/1718 (W.185)
Section 19 (1) to (7) (fully)	31 October 2005	2005/2910 (W.207)
Section 20 (1) to (3), (5)	31 October 2005	2005/2910 (W.207)
Sections 21 and 22	1 September 2004	2004/1728 (W.172)
Section 23	31 October 2005	2005/2910 (W.207)
Section 26	2 January 2008	2007/3611 (W.318)
Sections 27 and 28	1 September 2003	2003/1718 (W.185)
Section 29	1 September 2003	2003/1718 (W.185)
Section 30	1 September 2004	2004/1728 (W.172)
Section 31 (partially)	2 January 2008	2007/3611 (W.318)
(fully)	31 March 2008	2007/3611 (W.318)
Section 32	1 September 2004	2004/1728 (W.172)
Sections 33 and 34	31 October 2005	2005/2910 (W.207)
Section 35	1 April 2006	2006/879 (W.84)
Section 36	1 April 2006	2006/879 (W.84)
Section 37	1 April 2006	2006/879 (W.84)
Section 38	2 January 2008	2007/3611 (W.318)
Section 39(1) (partially)	1 September 2004	2004/1728 (W.178)
Section 39 (fully)	31 October 2005	2005/2910 (W.207)
Section 40 (partially)	1 September 2003	2003/1718 (W.185)
Section 40 (partially)	1 April 2006	2006/879 (W.84)
Section 41	4 December 2003	2003/2961 (W.278)
Section 42	4 December 2003	2003/2961 (W.278)
Section 43	1 November 2003	2003/1718 (W.185)
Section 46	1 December 2003	2003/2961 (W.278)
Section 49	19 December 2002	2002/3185 (W.301)
Section 50	31 May 2005	2005/1395 (W.109)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 51 (partially)	9 January 2004	2003/2961 (W.278)
(partially)	31 March 2004	2004/912 (W.95)
(partially)	31 May 2005	2005/1395 (W.109)
Section 52 (partially)	9 January 2004	2003/2961 (W.278)
(fully)	31 October 2005	2005/2910 (W.207)
Section 53	31 October 2005	2005/2910 (W.207)
Sections 54 to 56	19 December 2002	2002/3185 (W.301)
Sections 57 to 59	2 January 2008	2007/3611 (W.318)
Sections 60 to 64	1 August 2003	2003/1718 (W.185)
Section 72	1 August 2004	2004/1728 (W.172)
Section 75 (partially)	19 December 2002	2002/3185 (W.301)
fully	2 January 2008	2007/3611 (W.318)
Sections 97 and 98	19 December 2002	2002/3185 (W.301)
Section 99(1)	19 December 2002	2002/3185 (W.301)
Section 100 (partially)	19 December 2002	2002/3185 (W.301)
Section 101 (partially)	19 December 2002	2002/3185 (W.301)
Section 103	19 December 2002	2002/3185 (W.301)
Sections 105 to 107	19 December 2002	2002/3185 (W.301)
Section 108 (partially)	19 December 2002	2002/3185 (W.301)
Section 109	19 December 2002	2002/3185 (W.301)
Sections 111 to 118	19 December 2002	2002/3185 (W.301)
Section 119	1 October 2002	2002/2439
Section 120(1) and (3) to (5)	1 October 2002	2002/2439
Section 120(2)	1 August 2003	2003/1667
Section 121	1 October 2002	2002/2439
Section 122 to 129	1 August 2003	2003/1667
Section 130 (partially)	1 October 2002	2002/2439
(fully)	1 August 2003	2003/1667
Section 131	19 December 2002	2002/3185 (W.301)
Sections 132 and 133	19 December 2002	2002/3185 (W.301)
Section 134 (partially)	19 December 2002	2002/3185 (W.301)
Section 135	19 December 2002	2002/3185 (W.301)
Sections 136 to 140	1 September 2003	2003/1718 (W.185)
Section 141	19 December 2002	2002/3185 (W.301)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 142 to 144	31 March 2003	2002/3185 (W.301)
Section 145	19 December 2002	2002/3185 (W.301)
Section 146 (partially)	31 March 2003	2002/3185 (W.301)
fully	2 January 2008	2007/3611 (W.318)
Section 148 (partially)	19 December 2002	2002/3185 (W.301)
(partially)	31 May 2006	2006/1336 (W.129)
Section 149	31 March 2003	2002/3185 (W.301)
Section 150	31 March 2003	2002/3185 (W.301)
Section 151(1)	2 January 2008	2007/3611 (W.318)
Section 151(2)	19 December 2002	2002/3185 (W.301)
Section 152 (partially)	19 December 2002	2002/3185 (W.301)
(fully)	2 January 2008	2007/3611 (W.318)
Section 154	31 March 2004	2004/912 (W.95)
Section 155	1 September 2004	2004/1728 (W.172)
Section 156	31 March 2004	2004/912 (W.95)
Sections 157 to 174	1 January 2004	2003/2961 (W.278)
Section 176	1 September 2004	2004/1728 (W.172)
Section 177	1 August 2004	2004/912 (W.95)
Section 178(1) and (4)	1 August 2003	2003/1718 (W.185)
Section 178(2)	2 January 2008	2007/3611 (W.318)
Section 179 (partially)	19 December 2002	2002/3185 (W.301)
Section 180	19 December 2002	2002/3185 (W.301)
Sections 181 to 185	1 September 2003	2003/1718 (W.185)
Section 187	2 January 2008	2007/3611 (W.318)
Section 188 (partially)	19 December 2002	2002/3185 (W.301)
(partially)	1 December 2003	2003/2961 (W.278)
Section 189 (partially)	19 December 2002	2002/3185 (W.301)
Sections 191 to 194	19 December 2002	2002/3185 (W.301)
Section 195 (partially)	31 March 2003	2002/3185 (W.301)
(fully)	1 September 2003	2002/3185 (W.301)
Section 196	19 December 2002	2002/3185 (W.301)
Section 197	1 September 2003	2003/1718 (W.185)
Section 198	31 March 2004	2004/912 (W.95)
Section 199	1 September 2003	2003/1718 (W.185)

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 200	31 March 2003	2002/3185 (W.301)
Section 201 (partially)	31 March 2003	2002/3185 (W.301)
Sections 202 and 203	1 September 2003	2003/1718 (W.185)
Section 206	1 September 2003	2003/1718 (W.185)
Section 207 and 208	9 January 2004	2003/2961 (W.278)
Section 215 (partially)	19 December 2002	2002/3185 (W.301)
(partially)	31 March 2003	2002/3185 (W.301)
(partially)	1 August 2003	2003/1718 (W.185) and 2003/1667
(partially)	1 September 2003	2002/3185 (W.301) and 2003/1718 (W.185)
(partially)	4 December 2003	2003/2961 (W.278)
(partially)	1 January 2004	2003/2961 (W.278)
(partially)	9 January 2004	2003/2961 (W.278)
(partially)	31 March 2004	2004/912 (W.95)
(partially)	1 August 2004	2004/912 (W.95) and 2004/1728 (W.172)
(partially)	1 September 2004	2004/1728 (W.172)
(partially)	31 May 2005	2005/1395 (W.109)
(partially)	31 October 2005	2005/2910 (W.207)
(partially)	1 April 2006	2006/879 (W.84)
(partially)	2 January 2008	2007/3611 (W.318)
Schedule 1, paragraph 3 (partially)	1 September 2003	2003/1718 (W.185)
Schedule 1 (fully)	31 October 2005	2005/2910 (W.207)
Schedule 2	1 April 2006	2006/879 (W.84)
Schedule 3, paragraphs 1 to 5	1 September 2003	2003/1718 (W.185)
the remaining paragraphs	1 April 2006	2006/879 (W.84)
Schedule 4, paragraphs 1 and 4	9 January 2004	2003/2961 (W.278)
Paragraphs 2, 3(1), (2), (3), (4), (5), (7), (8), 8, 9, 10, 11	31 May 2005	2005/1395 (W.109)
Paragraph 12(1), (3) to (5)	31 March 2004	2004/912 (W.95)
Schedule 5	19 December 2002	2002/3185 (W.301)
Schedule 6	2 January 2008	2007/3611 (W.318)
Schedule 9	1 August 2004	2004/1728 (W.172)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 10, paragraphs 1, 6, 11 and 15	19 December 2002	2002/3185 (W.301)
the remaining paragraphs	2 January 2008	2007/3611 (W.318)
Schedule 11	1 October 2002	2002/2439
Schedule 12, paragraphs 1, 2, 4(1) and (3), 6 and 7,	19 December 2002	2002/3185 (W.301)
Paragraphs 3(1), (5) (partially), 4(2) and 5	31 May 2006	2006/1336 (W.129)
Paragraph 12(1) and (2)	31 March 2003	2002/3185 (W.301)
Schedule 13, paragraphs 1 to 3, 5, 6, 7(1) and (3) and 8	19 December 2002	2002/3185 (W.301)
Paragraph 4	2 January 2008	2007/3611 (W.318)
Schedule 14, paragraphs 1 to 7	1 September 2004	2004/1728 (W.172)
Schedule 15	2 January 2008	2007/3611 (W.318)
Schedule 16, paragraphs 1 to 3	1 December 2003	2003/2961 (W.278)
Paragraphs 4 to 9	19 December 2002	2002/3185 (W.301)
Schedule 17, paragraphs 5(1) to (4), (6) and 6 to 8	19 December 2002	2002/3185 (W.301)
Schedule 18, paragraphs 1, 4, 5 and 7,	31 March 2003	2002/3185 (W.301)
Paragraph 8 (partially),	31 March 2003	2002/3185 (W.301)
Paragraphs 13 to 15,	31 March 2003	2002/3185 (W.301)
Paragraphs 2, 3, 6, 8 (fully), 9 to 12 and 16 to 18	1 September 2003	2002/3185 (W.301)
Schedule 19	1 September 2003	2003/1718 (W.185)
Schedule 20	1 September 2003	2003/1718 (W.185)
Schedule 21 (partially)	1 October 2002	2002/2439
(partially)	19 December 2002	2002/3185 (W.301)
(partially)	31 March 2003	2002/3185 (W.301)
(partially)	1 August 2003	2003/1667
(partially)	1 September 2003	2003/1718 (W.185)
(partially)	4 December 2003	2003/2961 (W.278)
(partially)	1 January 2004	2003/2961 (W.278)
(partially)	9 January 2004	2003/2961 (W.278)
(partially)	31 March 2004	2004/912 (W.95)
(partially)	1 August 2004	2004/1728 (W.172)
(partially)	1 September 2004	2004/1728 (W.172)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
(partially)	31 May 2005	<a href="#">2005/1395 (W.109)</a>
(partially)	31 October 2005	<a href="#">2005/2910 (W.207)</a>
(partially)	1 April 2006	<a href="#">2006/879 (W.84)</a>
(partially)	2 January 2008	<a href="#">2007/3611 (W.318)</a>
Schedule 22 (partially)	1 October 2002	<a href="#">2002/2439</a>
(partially)	9 December 2002	<a href="#">2002/3185 (W.301)</a>
(partially)	31 March 2003	<a href="#">2002/3185 (W.301)</a>
(partially)	1 August 2003	<a href="#">2003/1718 (W.185)</a>
(partially)	1 September 2003	<a href="#">2002/3185 (W.301)</a> , <a href="#">2003/1718 (W.185)</a> and <a href="#">2003/1667</a>
(partially)	4 December 2003	<a href="#">2003/2961 (W.278)</a>
(partially)	1 January 2004	<a href="#">2003/2961 (W.278)</a>
(partially)	9 January 2004	<a href="#">2003/2961 (W.278)</a>
(partially)	31 March 2004	<a href="#">2004/912 (W.95)</a>
(partially)	1 August 2004	<a href="#">2004/912 (W.95)</a>
(partially)	1 September 2004	<a href="#">2004/1728 (W.172)</a>
(partially)	31 May 2005	<a href="#">2005/1395 (W.109)</a>
(partially)	31 October 2005	<a href="#">2005/2910 (W.207)</a>
(partially)	1 April 2006	<a href="#">2006/879 (W.84)</a>
(partially)	2 January 2008	<a href="#">2007/3611 (W.318)</a>

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](#) (as amended by S.I. [2003/606](#) (revoked) and [2003/2992](#)), S.I. [2002/2952](#), S.I. [2003/124](#), S.I. [2003/1115](#), S.I. [2003/1667](#) (as amended by S.I. [2004/571](#) and S.I. [2005/2570](#)), S.I. [2003/2071](#), S.I. [2004/1318](#) and S.I. [2006/2895](#).