
WELSH STATUTORY INSTRUMENTS

2010 No. 736 (W.73) (C.50)

EDUCATION, WALES

**The Education and Inspections Act 2006 (Commencement
No. 5 and Transitional Provision) (Wales) Order 2010**

Made - - - - *10 March 2010*

The Welsh Ministers, in exercise of the powers conferred upon the National Assembly for Wales by sections 181 and 188(3) of the Education and Inspections Act 2006⁽¹⁾, and now vested in them⁽²⁾, make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Education and Inspections Act 2006 (Commencement No. 5 and Transitional Provision) (Wales) Order 2010.

(2) In this Order “the 2006 Act” (“Deddf 2006”) means the Education and Inspections Act 2006.

Appointed days

2. The following provisions of the 2006 Act come into force for the purpose of making regulations on 15 March 2010:

- (a) section 57 (school funding) to the extent it relates to the provisions set out in paragraph (b);
- (b) paragraphs 3, 4 and 5 of Schedule 5 (funding of maintained schools).

3. The following provisions of the 2006 Act come into force on 2 April 2010:

- (a) section 57 (school funding) to the extent it is not already in force;
- (b) section 184 (repeals) to the extent it relates to the provisions set out in paragraph (d);
- (c) Schedule 5 (funding of maintained schools) to the extent it is not already in force;
- (d) in Part 6 of Schedule 18, the repeals in SSFA 1998 of—
 - (i) in section 17(6), the words from “but” onwards,
 - (ii) section 47A(6),
 - (iii) in section 48(4), the words from “the approval” to “and for”,

(1) 2006 c. 40. Section 181 is amended by section 23 of the [Learner Travel \(Wales\) Measure 2008](#) (2008 nawm 2).

(2) By virtue of paragraph 30 of Schedule 11 to the [Government of Wales Act 2006](#) (c. 32).

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(iv) in Schedule 14, paragraph 1(1) to (6), in Schedule 15, paragraphs 1(4) and (6), 2(5) and 3.

Transitional provision

4. The amendments made to sections 48 and 49 of, and Schedule 14 to, SSFA 1998 by paragraphs 3 to 5 of Schedule 5 to the 2006 Act and the repeal in Part 6 of Schedule 18 to the 2006 Act of paragraph 1(1) to (6) of Schedule 14 to SSFA 1998 apply only in relation to financial years beginning on or after 1 April 2011.

10 March 2010

Leighton Andrews
Minister for Children, Education and Lifelong
Learning, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings section 57 of, and Schedule 5 to, the Education and Inspections Act 2006 into force for the purpose of making regulations on 15 March 2010 and then fully on 2 April 2010 (together with related repeals made by section 184 and Schedule 18).

Section 57 and Schedule 5 amend provisions of the School Standards and Framework Act 1998 (SSFA 1998) that deal with the financing of maintained schools. The effect of these amendments is as follows:

Section 47A of SSFA 1998 (school forums) is amended so as to refer to any function imposed on school forums by SSFA 1998 and to remove the provision allowing regulations to give the Welsh Ministers the power to remove a non-schools member of a forum;

Section 48 of, and Schedule 14 to, SSFA 1998 are amended so that a local education authority's duty to prepare a financial scheme is replaced by a duty to maintain a scheme and any proposals to vary the scheme must be submitted to the schools forum. Regulations will be able to make provision about approval by the schools forum or the Welsh Ministers;

Section 49 of SSFA 1998 is amended so that new schools will have delegated budgets from a date set in regulations;

Schedule 15 to SSFA 1998 is amended so as to remove a governing body's right to appeal to the Welsh Ministers against a suspension of their right to a delegated budget.

The Order also makes transitional provision to provide that the amendments made to sections 48 and 49 of, and Schedule 14 to, SSFA 1998 apply only in relation to financial years commencing on or after 1 April 2011.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Education and Inspections Act 2006 have been brought into force in relation to Wales by Commencement Orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	30 June 2008	2008/1429 (W.148)
Section 4	1 September 2009	2009/1027 (W.89)
Section 37(1) and (2)(a)	30 June 2008	2008/1429 (W.148)
Section 38	1 September 2008	2008/1429 (W.148)
Section 39	30 June 2008	2008/1429 (W.148)
Section 40	1 September 2008	2008/1429 (W.148)
Sections 43 — 45	30 June 2008	2008/1429 (W.148)
Section 47	30 June 2008	2008/1429 (W.148)
Section 53	30 June 2008	2008/1429 (W.148)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 55	9 February 2009	2009/49 (W.17)
Section 89 in part	1 January 2010	2009/2545 (W.207)
Section 96 in part	1 January 2010	2009/2545 (W.207)
Section 156	30 June 2008	2008/1429 (W.148)
Section 164	1 September 2009	2009/1027 (W.89)
Section 166	30 June 2008	2008/1429 (W.148)
Section 169	12 October 2009	2009/2545 (W.207)
Section 170	12 October 2009	2009/2545 (W.207)
Section 171	12 October 2009	2009/2545 (W.207)
Section 175	30 June 2008	2008/1429 (W.148)
Section 184 in part	30 June 2008	2008/1429 (W.148)
Section 184 in part	1 September 2008	2008/1429 (W.148)
Section 184 in part	1 September 2009	2009/1027 (W.89)
Section 184 in part	1 January 2010	2009/2545 (W.207)
Schedule 17	30 June 2008	2008/1429 (W.148)
Schedule 18 in part	30 June 2008	2008/1429 (W.148)
Schedule 18 in part	1 September 2008	2008/1429 (W.148)
Schedule 18 in part	1 September 2009	2009/1027 (W.89)
Schedule 18 in part	1 January 2010	2009/2545 (W.207)

Various provisions of the Education and Inspections Act 2006 have been brought into force in relation to England by the following Statutory Instruments: [S.I. 2006/2990](#) as amended by [S.I. 2008/54](#), [S.I. 2006/3400](#), [S.I. 2007/935](#) (as amended by [S.I. 2007/1271](#)), [S.I. 2007/1271](#), [S.I. 2007/1801](#), [S.I. 2007/3074](#) and [S.I. 2008/1971](#).

See also section 188(1) and (2) for the provisions that came into force on 8 November 2006 (date of Royal Assent) and 8 January 2007 (two months thereafter).