

---

WELSH STATUTORY INSTRUMENTS

---

**2006 No. 1336 (W.129) (C.44)**

**EDUCATION, WALES**

The Education Act 2002 (Commencement No. 10  
and Transitional Provisions) (Wales) Order 2006

Made - - - -

16 May 2006

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<sup>(1)</sup>, hereby makes the following Order:

**Title, application and interpretation**

1. The title of this Order is the Education Act 2002 (Commencement No. 10 and Transitional Provisions) (Wales) Order 2006.
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.—(1) The day appointed for the coming into force of the provisions specified in Part 1 of the Schedule to this Order is 31 May 2006.
- (2) Part 2 of that Schedule (Transitional provision) applies.

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

16 May 2006

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

---

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

*Status: This is the original version (as it was originally made).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 4

### Part 1

#### Provisions coming into force on 31 May 2006

<i>Provision</i>	<i>Subject matter</i>
Section 148, so far as relating to the provisions of Schedule 12 below	The General Teaching Councils for England and Wales
In Schedule 12, Part 1, paragraph 3(1), paragraph 3(5) insofar as it inserts subsections (3B) and (3D) of section 3 of the Teaching and Higher Education Act 1998, and paragraph 4(2) and 5.	Amendments of Teaching and Higher Education Act 1998

### Part 2

#### Transitional provision

Until paragraph 3(5) of Schedule 12 is brought fully into force in relation to Wales, the new section 3(3B) of the Teaching and Higher Education Act 1998 (the insertion of which by paragraph 3(5) of Schedule 12 is brought into force by this Order) is to have effect as though the words “provisional registration or full” were omitted, and is if for the words “relevant time” there were substituted the words “time of registration”.

## EXPLANATORY NOTE

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

This Order brings into force (on 31 May 2006), in relation to Wales, the provisions of Schedule 12 to the Education Act 2002 specified in the Schedule to the Order. Schedule 12 amends sections 3 and 4 of the Teaching and Higher Education Act 1998. Those sections apply to the General Teaching Council for England and, by virtue of section 9 of that Act, to the General Teaching Council for Wales. The main effect of the amendments brought into force by this Order is that the General Teaching Council for Wales, when considering an application for registration, will be able to reject the application if it is not satisfied as to the applicants suitability to be a teacher. The provisions brought into force also—

- confer on the National Assembly for Wales the power to make regulations providing that any prescribed description of person is, or is not, to be taken to be suitable to be a teacher;

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

- enable such regulations to provide for applicants for registration with the General Teaching Council for Wales whose applications are rejected on the new suitability ground to have a right of appeal against the Council's decision;
- enable such regulations to provide for applicants for registration with the General Teaching Council for Wales to be notified of the Council's decision and of their right to appeal.

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

**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 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)
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)
Sections 142 to 144	31 March 2003	2002/3185 (W.301)
Section 145	19 December 2002	2002/3185 (W.301)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 146 (partially)	31 March 2003	2002/3185 (W.301)
Section 148 (partially)	19 December 2002	2002/3185 (W.301)
Section 149	31 March 2003	2002/3185 (W.301)
Section 150	31 March 2003	2002/3185 (W.301)
Section 151(2)	19 December 2002	2002/3185 (W.301)
Section 152 (partially)	19 December 2002	2002/3185 (W.301)
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 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 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)
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

*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	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)
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 9	1 August 2004	2004/1728 (W.172)
Schedule 10, paragraphs 1, 6, 11 and 15	19 December 2002	2002/3185 (W.301)
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)
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)
Schedule 14, paragraphs 1 to 7	1 September 2004	2004/1728
Schedule 16, paragraphs 1 to 3	1 December 2003	2003/2961
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 (W.301)	2002/3185

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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)
partially	31 May 2005	2005/1395 (W.109)
partially	31 October 2005	2005/2910 (W.207)
partially	1 April 2006	2006/879 (W.84)
Schedule 22 (partially)	1 October 2002	2002/2439
partially	9 December 2002	2002/3185 (W.301)
partially	31 March 2003	2002/3185 (W.301)
partially	1 August 2003	2003/1718 (W.185)
partially	1 September 2003	2002/3185 (W.301), 2003/1718 (W.185) and 2003/1667
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)
partially	1 September 2004	2004/1728 (W.172)
partially	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>
partially	31 October 2005	<a href="#">2005/2910 (W.207)</a>
partially	1 April 2006	<a href="#">2006/879 (W.84)</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](#), S.I. [2003/2071](#) and S.I. [2004/1318](#).