

STATUTORY INSTRUMENTS

2018 No. 644

The Welsh Ministers (Transfer of Functions) Order 2018

Education Act 2002 **E+W**

39.—(1) In the Education Act 2002 ^{M1} (“the 2002 Act”), in section 7 (exemptions available to qualifying schools), omit subsection (5).

(2) The function of the Secretary of State under section 10(2) (determination of pay and conditions during and after exemption) of the 2002 Act, so far as it is exercisable in relation to an order made under section 7(2) by the Welsh Ministers ^{M2}, is transferred to the Welsh Ministers.

(3) The functions of the Secretary of State under sections 122 to 124, 126 and 127 (teachers' pay and conditions) of the 2002 Act ^{M3}, so far as they are exercisable in relation to school teachers in Wales, are transferred to the Welsh Ministers.

(4) Section 125 (reference to review body) of the 2002 Act does not apply in relation to an order under section 122 made by the Welsh Ministers.

(5) Subject to paragraph (6), the functions of the Secretary of State under section 186 (student loans) of the 2002 Act, so far as they are exercisable in relation to Wales, are exercisable by the Welsh Ministers concurrently with the Secretary of State.

(6) The function of making regulations in relation to loans of the description in section 186(2) (a) (loans under the Education (Student Loans) Act 1990) of the 2002 Act ^{M4} is not exercisable by the Welsh Ministers.

(7) References to the Secretary of State in the provisions in the Sale of Student Loans Act 2008 ^{M5} mentioned in paragraph (8) are (despite section 9(4) of that Act) to be read as references to the Welsh Ministers so far as may be necessary in consequence of the transfer of functions effected by paragraph (5).

(8) The provisions of the 2008 Act are—

- (a) section 2(4)(a);
- (b) section 2(5) as it has effect by virtue of section 2(6).

Marginal Citations

M1 [2002 c. 32.](#)

M2 The order-making function conferred on the National Assembly for Wales under section 7(2) was transferred to the Welsh Ministers by paragraph 30(2)(c) of Schedule 11 to the Government of Wales Act 2006.

M3 [Sections 122, 123, 126](#) and 127 were amended by article 5(1) of, and paragraph 11 of Part 1 of Schedule 2 to, [S.I. 2010/1158](#).

M4 [1990 c. 6.](#)

M5 [2008 c. 10.](#)

Changes to legislation:

There are currently no known outstanding effects for the The Welsh Ministers (Transfer of Functions) Order 2018, Section 39.