



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2003 Rhif 2959 (Cy.277)**

**2003 No. 2959 (W.277)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

Rheoliadau Deddf Addysg 2002  
(Darpariaethau Trosiannol a  
Diwygiadau Canlyniadol) (Rhif 2)  
(Cymru) 2003

The Education Act 2002  
(Transitional Provisions and  
Consequential Amendments)  
(No.2) (Wales) Regulations 2003

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

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

Mae'r Rheoliadau hyn yn gwneud addasiadau i Ddeddf Addysg 2002 ac yn gwneud darpariaethau trosiannol mewn cysylltiad â'r ffaith bod darpariaethau'r Ddeddf yn cael eu dwyn i rym gan Orchymyn Ddeddf Addysg 2002 (Cychwyn Rhif 3) (Cymru) 2003. Maent yn gwneud diwygiadau canlyniadol hefyd.

These Regulations make modifications to the Education Act 2002 and make transitional provisions in connection with the bringing into force of provisions of the Act by the Education Act 2002 (Commencement No. 3) (Wales) Order 2003. They also make consequential amendments.

Mae'r cyfeiriadau isod at adrannau ac Atodlenni (heb fanylion pellach) yn gyfeiriadau at adrannau o Ddeddf Addysg 2002 a'r Atodlenni iddi.

References below to sections and Schedules (without more) are references to sections of, and Schedules to, the Education Act 2002.

Mae rheoliadau 3 i 5 yn gwneud darpariaeth mewn cysylltiad â dwyn i rym adran 41 sy'n gwneud darpariaeth newydd mewn perthynas â chyllido ysgolion a gynhelir a phenderfynu cyllidebau. Mae'r darpariaethau newydd i fod yn effeithiol mewn perthynas yn unig â'r flwyddyn ariannol sy'n dechrau ar neu ar ôl 1 Ebrill 2004.

Regulations 3 to 5 make provision in connection with the coming into force of section 41 which makes new provision in relation to the financing of maintained schools and the determination of budgets. The new provisions are to have effect only in relation to financial years beginning on and after 1st April 2004.

Mae rheoliadau 6 a 7 yn gwneud darpariaeth mewn cysylltiad â dwyn i rym adran 52(1) i (6) sy'n ymwneud â gwahardd disgyblion. Hyd nes y daw adran 52(11) i rym (ac effaith yr is-adran fydd cynnwys ysgolion meithrin a gynhelir yn y diffiniad o ysgol a gynhelir), mae cyfeiriadau yn adran 52 at ysgol a gynhelir i fod yn effeithiol fel pe baent yn gyfeiriadau at ysgol a gynhelir fel y'i diffinnir yn Neddf Safonau a Fframwaith Ysgolion 1998 ("Deddf 1998"), nad ydyw'n cynnwys ysgol feithrin a gynhelir. Os gwaherddir disgybl cyn 9 Ionawr 2004 mae darpariaethau perthnasol Deddf 1998 a Rheoliadau

Regulations 6 and 7 make provision in connection with the coming into force of section 52(1) to (6) which relates to the exclusion of pupils. Until section 52(11) comes into force (the effect of which is to include maintained nursery schools in the definition of maintained school), references in section 52 to a maintained school are to have effect as if they were references to a maintained school as defined in the School Standards and Framework Act 1998 ("the 1998 Act"), which does not include a maintained nursery school. In relation to pupil exclusions taking place before 9th January 2004 the relevant provisions of the

Addysg (Unedau Cyfeirio Disgyblion) (Apelau yn erbyn Gwaharddiadau Parhaol) (Cymru) 2003 i barhau i fod yn effeithiol.

Mae rheoliad 8 yn gwneud darpariaeth mewn cysylltiad â dwyn i rym Ran 10 o Ddeddf Addysg 2002 sy'n gosod system newydd ar gyfer rheoleiddio ysgolion annibynnol. Ni fydd y darpariaethau newydd sy'n ymwneud â chynlluniau gweithredu yn gymwys i ysgolion a gofrestrwyd dros dro o dan Ddeddf Addysg 1996 tan 1 Ionawr 2006. Os dyfarnwyd contract i arolygu ysgol annibynnol a gymeradwywyd o dan adran 347 o Ddeddf Addysg 1996 cyn 1 Ionawr 2004, gwneir darpariaeth sy'n caniatáu i'r arolygiad gael ei gyflawni o dan Ddeddf Arolygiadau Ysgolion 1996 yn hytrach nag o dan y system newydd. Ni fydd y diffiniad newydd o ysgol annibynnol (sy'n cynnwys ysgol ag un neu fwy o ddisgyblion sydd â datganiad o anghenion addysgol arbennig neu sy'n derbyn gofal) yn gymwys tan 1 Medi 2004 i gartref plant y cofrestrwyd person i'w redeg cyn 1 Ionawr 2004.

Mae rheoliad 9 yn gwneud darpariaeth mewn cysylltiad â dwyn i rym adran 207 sy'n galluogi Cynulliad Cenedlaethol Cymru i wneud rheoliadau sy'n darparu ar gyfer adennill rhwng awdurdodau addysg lleol. Hyd nes y gwneir rheoliadau newydd o dan adran 207, mae Rheoliadau Addysg (Adennill Rhwng Awdurdodau) 1994 i barhau mewn grym.

Mae rheoliad 10 yn diwygio Rheoliadau Addysg (Maint Dosbarthiadau Babanod) (Cymru) 1998 fel y rhodder y term "school teacher" yn lle'r term "qualified teacher". Daw hyn yn sgil dwyn i rym ar 19 Rhagfyr 2002 y diwygiadau a wneir gan Atodlen 21 i adrannau 1 a 4 o Ddeddf 1998.

1998 Act and the Education (Pupil Referral Units) (Appeals against Permanent Exclusions) (Wales) Regulations 2003 are to continue to have effect.

Regulation 8 makes provision in connection with the coming into force of Part 10 of the Education Act 2002 which sets out a new system for regulating independent schools. The new provisions relating to action plans will not apply to schools which were provisionally registered under the Education Act 1996 until 1st January 2006. Where a contract to inspect an independent school approved under section 347 of the Education Act 1996 was awarded before 1st January 2004, provision is made allowing the inspection to be carried out under the School Inspection Act 1996 rather than under the new system. The new definition of independent school (which includes a school with one or more pupils with a statement of special educational needs or who is looked after) is not to apply until 1st September 2004 to a children's home in relation to the carrying on of which a person was registered before 1st January 2004.

Regulation 9 makes provision in connection with the coming into force of section 207 which enables the National Assembly for Wales to make regulations providing for recoupment between local education authorities. Until new regulations are made under section 207, the Education (Inter-Authority Recoupment) Regulations 1994 are to continue in force.

Regulation 10 amends the Education (Infant Class Sizes) (Wales) Regulations 1998 so as to substitute the term "school teacher" for the term "qualified teacher". This is consequential on the coming into force on 19th December 2002 of amendments made by Schedule 21 to sections 1 and 4 of the 1998 Act.

**2003 Rhif 2959 (Cy.277)****2003 No. 2959 (W.277)****ADDYSG, CYMRU****EDUCATION, WALES**

**Rheoliadau Deddf Addysg 2002  
(Darpariaethau Trosiannol a  
Diwygiadau Canlyniadol) (Rhif 2)  
(Cymru) 2003**

**The Education Act 2002  
(Transitional Provisions and  
Consequential Amendments)  
(No.2) (Wales) Regulations 2003**

*Wedi'u gwneud* 18 Tachwedd 2003  
*Yn dod i rym* 19 Tachwedd 2003

*Made* 18th November 2003  
*Coming into force* 19th November 2003

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 214 o Ddeddf Addysg 2002(a).

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by section 214 of the Education Act 2002(a).

**Enwi, cychwyn a chymhwys**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol a Diwygiadau Canlyniadol) (Rhif 2) (Cymru) 2003 a deuant i rym ar 19 Tachwedd 2003.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru.

**Name, commencement and application**

1.-(1) These Regulations are called the Education Act 2002 (Transitional Provisions and Consequential Amendments) (No. 2) (Wales) Regulations 2003 and come into force on 19th November 2003.

(2) These Regulations apply to Wales.

**Dehongli**

2.-(1) Yn y Rheoliadau hyn -

ystyr "Deddf 1996" ("*the 1996 Act*") yw Deddf Addysg 1996(b);

ystyr "Deddf 1998" ("*the 1998 Act*") yw Deddf Safonau a Fframwaith Ysgolion 1998(c);

ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Addysg 2002.

(2) Yn y Rheoliadau hyn mae cyfeiriadau at adrannau ac Atodlenni yn gyfeiriadau, yn ôl eu trefn, at adrannau o Ddeddf 2002 a'r Atodlenni iddi.

**Interpretation**

2.-(1) In these Regulations -

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996(b);

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(c);

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002.

(2) In these Regulations references to sections and Schedules are references to, respectively, sections of and Schedules to the 2002 Act.

**Cyllido ysgolion a gynhelir**

3. Mae adran 45A o Ddeddf 1998, a fewnosodir gan adran 41(1)(ch), i fod yn effeithiol yn y cyfnod sy'n dod i ben yn union o flaen 1 Ebrill 2004 yn unig at ddibenion cyllido ysgolion mewn unrhyw flwyddyn ariannol sy'n dechrau ar neu ar ôl y dyddiad hwnnw.

**Financing of maintained schools**

3. Section 45A of the 1998 Act, which is inserted by section 41(1)(d), is to have effect in the period ending immediately before 1st April 2004 only for the purposes of the financing of schools in any financial year beginning on and after that date.

(a) 2002 p.32.

(b) 1996 p.56.

(c) 1998 p.31.

(ch) Mae adran 41(1) i ddod i rym ar 4 Rhagfyr 2003 yn rhinwedd O.S. 2003/2961 (Cy.278) (C.108).

(a) 2002 c. 32.

(b) 1996 c.56.

(c) 1998 c.31.

(d) Section 41(1) is to come into force on 4th December 2003 by virtue of S.I. 2003/2961 (W.278) (C.108).

4. Nid yw'r diwygiad a wneir gan adran 41(2)(a) i adran 45(2) o Ddeddf 1998 i fod yn gymwys mewn perthynas â chyfran cyllideb ysgol ar gyfer unrhyw flwyddyn ariannol sy'n dechrau cyn 1 Ebrill 2004.

5. Er gwaethaf dwyn i rym y diddymiad o adran 46 o Ddeddf 1998 a'r diwygiadau canlyniadol i adrannau 49(4) a 143 o'r Ddeddf honno ac i adran 36 o Ddeddf Dysgu a Medrau 2000(b) (a wnaed gan adrannau 41(3) a 215, a pharagraffau 100(1) a (2), 113 a 125 o Atodlen 21 a Rhan 3 o Atodlen 22(c)) nid yw-

- (a) diddymiad adran 46 o Ddeddf 1998,
- (b) amnewid "LEA budget or schools budget" yn lle "local schools budget" yn adran 49(4) o Ddeddf 1998,
- (c) amnewid "section 45A(3)" yn lle "section 46(2)" yn y cofnod sy'n dechrau "individual schools budget" yn adran 143 o Ddeddf 1998,
- (ch) diddymu'r cofnod sy'n ymwneud â chyllideb ysgolion lleol yn adran 143 o Ddeddf 1998, a
- (d) amnewid "schools budget" a "Schools budget" yn lle "local schools budget" a "Local schools budget" yn is-adran (1)(a) a (3) o adran 36 o Ddeddf Dysgu a Medrau 2000,

i fod yn effeithiol mewn perthynas ag unrhyw flwyddyn ariannol sy'n dechrau ar neu ar ôl 1 Ebrill 2004.

## Gwaharddiadau

6. Yn ystod y cyfnod sy'n dechrau ar 9 Ionawr 2004 ac sy'n dod i ben yn union cyn dechrau'r diwrnod y daw adran 52(11) i rym mewn perthynas â Chymru, mae cyfeiriadau yn adran 52 (ch) at ysgol a gynhelir i gael effaith fel petaent yn gyfeiriadau at ysgol a gynhelir fel y diffinnir "maintained school" yn adran 20(7) o Ddeddf 1998.

7.-(1) Mae'r paragraff hwn yn gymwys os gwaherddir disgybl cyn 9 Ionawr 2004 gan bennaeth ysgol a gynhelir neu (yn ôl y digwydd) athro neu athrawes â gofal uned cyfeirio disgyblion.

(2) Er gwaethaf dwyn i rym -

- (a) adran 52(1) i (6), a
- (b) diddymu adrannau 64 i 68 o Ddeddf 1998 ac

- (a) Addesir adran 41(2) gan reoliad 4 o Reoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol) (Cymru) 2002, O.S. 2002/3184 (Cy.300). Daw i rym ar 4 Rhagfyr 2003 yn rhinwedd O.S. 2003/2961 (Cy.278) (C.108).
- (b) 2000 p.21.
- (c) Mae adrannau 41(3) a 215 (yn rhannol), a pharagraffau 100(1), (2), 113 (yn rhannol) a 125 o Atodlen 21 a Rhan 3 o Atodlen 22 (yn rhannol) i ddod i rym ar 4 Rhagfyr 2003 yn rhinwedd O.S. 2003/2961 (Cy.278) (C.108).
- (ch) Mae adran 52 i ddod i rym yn rhannol ar 9 Ionawr 2004 yn rhinwedd O.S. 2003/2961 (Cy.278) (C.108).

4. The amendment made by section 41(2)(a) to section 45(2) of the 1998 Act is not to apply in relation to a school's budget share for any financial year beginning before 1st April 2004.

5. Notwithstanding the coming into force of the repeal of section 46 of the 1998 Act and of the consequential amendments to sections 49(4) and 143 of that Act and to section 36 of the Learning and Skills Act 2000(b) (made by sections 41(3) and 215, and paragraphs 100(1) and (2), 113 and 125 of Schedule 21 and Part 3 of Schedule 22(c)) -

- (a) the repeal of section 46 of the 1998 Act,
- (b) the substitution of "LEA budget or schools budget" for "local schools budget" in section 49(4) of the 1998 Act,
- (c) the substitution of "section 45A(3)" for "section 46(2)" in the entry beginning "individual schools budget" in section 143 of the 1998 Act,
- (d) the repeal of the entry relating to local schools budget in section 143 of the 1998 Act, and
- (e) the substitution of "schools budget" and "Schools budget" for "local schools budget" and "Local schools budget" in subsection (1)(a) and (3) of section 36 of the Learning and Skills Act 2000,

are not to have effect in relation to any financial year beginning before 1st April 2004.

## Exclusions

6. During the period beginning on 9th January 2004 and ending immediately before the beginning of the day on which section 52(11) comes into force in relation to Wales, references in section 52(d) to a maintained school are to have effect as if they were references to a maintained school as defined by section 20(7) of the 1998 Act.

7.-(1) This paragraph applies where a pupil is excluded before 9th January 2004 by the head teacher of a maintained school or (as the case may be) the teacher in charge of a pupil referral unit.

(2) Notwithstanding the coming into force of -

- (a) section 52(1) to (6), and
- (b) the repeal of sections 64 to 68 of, and Schedule

- (a) Section 41(2) is modified by regulation 4 of the Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002, S.I. 2002/3184 (W.300). It is to come into force on 4th December 2003 by virtue of S.I. 2003/2961 (W.278) (C.108).
- (b) 2000 c.21.
- (c) Sections 41(3) and 215 (in part), and paragraphs 100(1), (2), 113 (in part) and 125 of Schedule 21 and Part 3 of Schedule 22 (in part) are to come into force on 4th December 2003 by virtue of S.I. 2003/2961 (W.278) (C.108).
- (d) Section 52 is to come into force in part on 9th January 2004 by virtue of S.I. 2003/2961 (W.278) (C.108).

Atodlen 18 iddi(a),

mae'r darpariaethau canlynol, sef -

- (i) adrannau 64 i 68 o Ddeddf 1998 ac Atodlen 18 iddi, a
- (ii) Rheoliadau Addysg (Unedau Cyfeirio Disgyblion) (Apelau yn erbyn Gwaharddiadau Parhaol) (Cymru) 2003(b),

i barhau i gael effaith, fel y bo'n briodol, mewn perthynas â gwaharddiad y mae paragraff (1) yn gymwys iddo.

### Ysgolion annibynnol

8.-(1) Er gwaethaf dwyn i rym adran 165(c), ni fydd yr adran honno (ac eithrio is-adrannau (1), (2), (12) a (13)) yn gymwys tan 1 Ionawr 2006 i unrhyw ysgol a gofrestrwyd dros dro yn unol ag adran 465(3) o Ddeddf 1996 ar 31 Rhagfyr 2003.

(2) Er gwaethaf diddymu darpariaethau yn adrannau 10(3), (4B), 11(5), 20(3), 21(4) o Ddeddf Arolygiadau Ysgolion 1996(ch) a darpariaethau ym mharagraff 1 o Atodlen 3 i'r Ddeddf honno, os dyfarnwyd contract o ganlyniad i wahoddiad i dendro o dan baragraff 2 o Atodlen 3 i'r Ddeddf honno cyn 1 Ionawr 2004 i arolygu ysgol annibynnol a gymeradwywyd gan Gynulliad Cenedlaethol Cymru o dan adran 347(1) o Ddeddf 1996 -

- (a) caniateir cyflawni'r arolygiad yn unol â'r contract, a
- (b) os cyflawnir yr arolygiad yn unol â'r contract, mae adran 10, a Phennod II o Ran 1 o Ddeddf Arolygiadau Ysgolion 1996, ac Atodlen 3 i'r Ddeddf honno, i barhau i fod yn gymwys mewn perthynas â'r archwiliad hwnnw.

(3) Er gwaethaf dwyn i rym adran 172(d), nid yw amnewid adran 463 o Ddeddf 1996 i fod yn gymwys tan 1 Medi 2004 mewn perthynas â chartref plant o

18 to, the 1998 Act(a),

the following provisions, namely -

- (i) sections 64 to 68 of, and Schedule 18 to, the 1998 Act, and
- (ii) the Education (Pupil Referral Units) (Appeals against permanent exclusions) (Wales) Regulations 2003(b),

are to continue to have effect, as appropriate, in relation to an exclusion to which paragraph (1) applies.

### Independent schools

8.-(1) Notwithstanding the coming into force of section 165(c), that section (except for subsections (1), (2), (12) and (13)) is not to apply until 1st January 2006 to any school which was provisionally registered pursuant to section 465(3) of the 1996 Act on 31st December 2003.

(2) Notwithstanding the repeal of provisions of sections 10(3), (4B), 11(5), 20(3), 21(4) of the School Inspection Act 1996(d) and provisions of paragraph 1 of Schedule 3 to that Act, where a contract has been awarded consequent on an invitation to tender under paragraph 2 of Schedule 3 to that Act before 1st January 2004 to inspect an independent school approved by the National Assembly for Wales under section 347(1) of the 1996 Act -

- (a) the inspection may be carried out in accordance with the contract, and
- (b) where the inspection is carried out in accordance with the contract, section 10, and Chapter II of Part 1 of the School Inspection Act 1996 Act, and Schedule 3 to that Act, are to continue to apply in relation to that inspection.

(3) Notwithstanding the coming into force of section 172(e), the substitution of section 463 of the 1996 Act is not to apply until 1 September 2004 in relation to a

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(a) Mae adrannau 64 i 68 o Ddeddf 1998 ac Atodlen 18 iddi i'w diddymu gan adran 215 o Ddeddf 2002 ac Atodlen 22 iddi ar 9 Ionawr 2004 (gweler O.S. 2003/2961 (Cy.278) (C.108)).

(b) O.S. 2003/287 (Cy.39).

(c) Mae adran 165 i ddod i rym ar 1 Ionawr 2004 yn rhinwedd O.S. 2003/2961 (Cy.278) (C.108).

(ch) 1996 p.57. Mae adrannau 10(3), (4B), 11(5), 20(3), 21(4), a pharagraff 1 o Atodlen 3 i'w diddymu yn rhannol gan adran 215(2) o Ddeddf 2002 a Rhan 3 o Atodlen 22 iddi, ar 1 Ionawr 2004 (gweler O.S. 2003/2961 (Cy.278) (C.108)).

(d) Mae adran 172 i ddod i rym ar 1 Ionawr 2004 (gweler O.S. 2003/2961 (Cy.278) (C.108)).

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(a) Sections 64 to 68 of, and Schedule 18 to, the 1998 Act are to be repealed by section 215 of, and Schedule 22 to, the 2002 Act, on 9th January 2004 (see S.I. 2003/2961 (W.278) (C.108)).

(b) S.I. 2003/287 (W.39).

(c) Section 165 is to come into force on 1st January 2004 by virtue of S.I. 2003/2961 (W.278) (C.108).

(d) 1996 c.57. Sections 10(3), (4B), 11(5), 20(3), 21(4), and paragraph 1 of Schedule 3 are to be repealed in part by section 215(2) of, and Part 3 of Schedule 22 to, the 2002 Act, on 1st January 2004 (see S.I. 2003/2003/2961 (W.278) (C.108)).

(e) Section 172 is to come into force on 1st January 2004 (see S.I. 2003/2961 (W.278) (C.108)).

fewn ystyr adran 1(6) o Ddeddf Safonau Gofal 2000(a) os dyfarnwyd cais am gofrestru o dan adran 13 o Ddeddf Safonau Gofal 2000 i redeg y cartref plant cyn 1 Ionawr 2004.

## Adennill

9. Er gwaethaf dwyn i rym y diddymiad o adran 492 o Ddeddf 1996(b), yn ystod y cyfnod sy'n dechrau ar 9 Ionawr 2004 ac sy'n dod i ben yn union cyn dechrau'r diwrnod y daw'r rheoliadau a wneir gan Gynulliad Cenedlaethol Cymru o dan adran 207 i rym, mae Rheoliadau Addysg (Adennill Rhwng Awdurdodau) 1994(c) i barhau i gael effaith mewn perthynas â Chymru fel pe baent wedi'u gwneud gan y Cynulliad Cenedlaethol o dan adran 207 ac fel pe rhoddwyd yn lle'r geiriau "the Secretary of State" yn rheoliad 3(2)(b) y geiriau "the National Assembly for Wales".

## Diwygio Rheoliadau Addysg (Maint Dosbarthiadau Babanod) (Cymru) 1998

10.-(1) Mae Rheoliadau Addysg (Maint Dosbarthiadau Babanod) (Cymru) 1998(ch) yn cael eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1) hepgorer y diffiniad o "qualified teacher" ac ar ôl y diffiniad o "school" rhodder y diffiniad canlynol -

""school teacher" has the meaning given by section 4 of the 1998 Act(d);".

(3) Yn rheoliad 3(2) a (3) rhodder yn lle'r geiriau "qualified teacher" y geiriau "school teacher".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(dd)

18 Tachwedd 2003

Llywydd y Cynulliad Cenedlaethol

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- (a) 2000 p.14.  
(b) Mae adran 492 o Ddeddf 1996 i'w diddymu gan adran 215 o Ddeddf 2002, ac Atodlen 22 iddi ar 9 Ionawr 2004 (*gweler* O.S. 2003/2961 (Cy.278) (C.108).  
(c) O.S. 1994/3251.  
(ch) O.S. 1998/1943.  
(d) Diwygiwyd adran 4 o Ddeddf 1998 gan adran 215(1) o Ddeddf 2002, a pharagraff 88 o Atodlen 21 iddi.  
(dd) 1998 p.38.

children's home within the meaning of section 1(6) of the Care Standards Act 2000(a) if an application for registration under section 13 of the Care Standards Act 2000 to carry on the children's home was granted before 1st January 2004.

## Recoupment

9. Notwithstanding the coming into force of the repeal of section 492 of the 1996 Act(b), during the period beginning on 9th January 2004 and ending immediately before the beginning of the day on which regulations made by the National Assembly for Wales under section 207 come into force, the Education (Inter-authority Recoupment) Regulations 1994(c) are to continue to have effect in relation to Wales as though they were made by the National Assembly under section 207 and as though there were substituted for the words "the Secretary of State" in regulation 3(2)(b) the words "the National Assembly for Wales".

## Amendment of the Education (Infant Class Sizes) (Wales) Regulations 1998

10.-(1) The Education (Infant Class Sizes) (Wales) Regulations 1998(d) are amended as follows.

(2) In regulation 2(1) omit the definition of "qualified teacher" and insert after the definition of "school" the following definition -

""school teacher" has the meaning given by section 4 of the 1998 Act(e);".

(3) In regulation 3(2) and (3) substitute for the words "qualified teacher" the words "school teacher".

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

18th November 2003

*D. Elis-Thomas*

The Presiding Officer of the National Assembly

- 
- (a) 2000 c.14.  
(b) Section 492 of the 1996 Act is to be repealed by section 215 of, and Schedule 22 to, the 2002 Act, on 9th January 2004 (*see* S.I. 2003/2961 (W.278) (C.108).  
(c) S.I. 1994/3251.  
(d) S.I. 1998/1943.  
(e) Section 4 of the 1998 Act is amended by section 215(1) of, and paragraph 88 of Schedule 21 to, the 2002 Act.  
(f) 1998 c.38.



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OFFERYNNAU STATUDOL

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**2003 Rhif 2959 (Cy.277)**

**ADDYSG, CYMRU**

Rheoliadau Deddf Addysg 2002  
(Darpariaethau Trosiannol a  
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STATUTORY INSTRUMENTS

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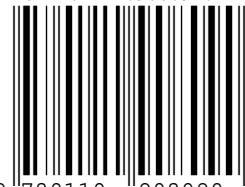
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