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## WELSH STATUTORY INSTRUMENTS

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# 2005 No. 1395

## The Education Act 2002 (Commencement No. 6 and Transitional Provisions) (Wales) Order 2005

### Title and application

1. The title of this Order is the Education Act 2002 (Commencement No.6 and Transitional Provisions) (Wales) Order 2005.
2. Provisions brought into force by this Order are brought into force in relation to Wales.

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#### Commencement Information

- I1** Art. 1 in force at 24.5.2005  
**I2** Art. 2 in force at 24.5.2005

### Interpretation

- 3.—(1) In this Order —  
“the 1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998<sup>(1)</sup>; and  
“the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002.  
(2) In this Order, unless otherwise stated, references to sections and Schedules are references to sections of and Schedules to the 2002 Act.

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#### Commencement Information

- I3** Art. 3 in force at 24.5.2005

### Appointed day

4. The day appointed for the coming into force of the provisions specified in the Schedule to this Order is 31 May 2005.

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#### Commencement Information

- I4** Art. 4 in force at 24.5.2005

### Transitional Provisions

- 5.—(1) The amendments made by paragraph 3 of Schedule 4 are not to apply in relation to the admission of children in a school year earlier than 2007-2008.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Education Act 2002 (Commencement No. 6 and Transitional Provisions) (Wales) Order 2005*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(2) Despite the coming into force of paragraphs 10 and 11 of Schedule 4, the amendments of sections 96 and 97 of the 1998 Act do not have effect in relation to a decision made by a local education authority before 31 May 2005 to direct a specified school to admit a pupil.

(3) Where a parent has given a notice of appeal in accordance with paragraph 9 of Schedule 24 to the 1998 Act before 31 May 2005 —

(a) sections 84(6) and 94 of, and Schedule 24 to, the 1998 Act are to continue to have effect in relation to that appeal as if section 50, paragraphs 2 and 8 of Schedule 4 and the repeal of Schedule 24 to the 1998 Act had not come into force; and

(b) section 25(5)(c) of the Local Government Act 1974<sup>(2)</sup> is to continue to have effect as if paragraph 2(a) of Schedule 21 had not come into force.

(4) Where a governing body has given a notice of appeal in accordance with paragraph 5 of Schedule 25 to the 1998 Act before 31 May 2005 —

(a) sections 84(6), 87 and 95 of, and Schedule 25 to, the 1998 Act are to continue to have effect in relation to that appeal as if paragraphs 2 and 9 of Schedule 4 and the repeal of Schedule 25 to the 1998 Act had not come into force; and

(b) section 25(5)(c) of the Local Government Act 1974 is to continue to have effect as if paragraph 2(a) of Schedule 21 had not come into force.

**Commencement Information**

**I5** Art. 5 in force at 24.5.2005

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(3)</sup>.

24 May 2005

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

(2) 1974 c. 7.  
(3) 1998 c. 38.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education Act 2002 (Commencement No. 6 and Transitional Provisions) (Wales) Order 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Order excluded by [S.I. 2022/517 reg. 4\(1\)](#)
- Order revoked by [S.I. 2022/517 reg. 4\(2\)\(a\)](#)