



**ADRODDIAD GAN Y
PWYLLGOR DEDDFAU**

**LEGISLATION COMMITTEE
REPORT**

**The Education Act 2005 (Commencement No 1 and Transitional Provisions)
(Wales) Order 2006**

This Order brings into force provisions of the Education Act 2005 ("the Act").

Standing Order 11.7

The following points have been identified under Standing Order 11.7

To commence the provisions of Schedule 19 (Repeals) it is necessary to commence section 123 either in its entirety or partially in relation to specified provisions of that Schedule. Whilst the Order partially commences section 123 in relation various provisions of Schedule 19, it has not been commenced in relation to those provisions referred to in Schedule 3 to the Order and that Schedule should be amended accordingly. [Standing Order 11.7(V)]

Article 2(2) of the order provides that references to sections and schedules, unless otherwise stated, are references to sections of and schedules to the Act. On this basis paragraph 6 of Schedule 4 to the Order the English text implies that the references to section 27 and Schedule 3 are to section 27 of and Schedule 3 to the Act. The paragraph then goes on to refer to the repeals of various provisions of the Education Act 1996. However, the Welsh text implies that the references to section 27 and Schedule 3

are to section 27 of and Schedule 3 to the Education Act 1996. The English text is correct [Standing Order 11.7(vi)].

These minor drafting errors may be corrected by Memorandum of Correction.

Observations

The provisions listed in Schedule 1 of the Order are brought into force in relation to Wales. The Act provides that certain provisions may only be commenced by the Assembly and consequently those provisions listed in Schedules 2 and 3 to the Order are brought into force in relation to England and Wales but will be of no practical effect in England.

A minor formatting point suitable for correction on publication has been notified to the drafting lawyer.

David Melding AM

Chair, Legislation Committee

2 May 2006