

2010 No. 2906 (C. 129)

EDUCATION, ENGLAND AND WALES

**The Education and Skills Act 2008 (Commencement No. 7 and
Transitory Provisions) Order 2010**

Made - - - - *7th December 2010*

The Secretary of State for Education makes the following Order in exercise of the powers conferred by section 173(4) and (8) of the Education and Skills Act 2008(a):

Citation and interpretation

1.—(1) This Order may be cited as the Education and Skills Act 2008 (Commencement No. 7 and Transitory Provisions) Order 2010.

(2) In this Order—

“the 2002 Act” means the Education Act 2002(b); and

“the 2008 Act” means the Education and Skills Act 2008.

Provisions coming into force on 1st January 2011

2. The following provisions of the 2008 Act come into force on 1st January 2011—

- (a) section 98 (applications for registration) so far as not already in force;
- (b) section 99 (determination of applications for registration) so far as not already in force;
- (c) section 123 (provision of information by proprietors) so far as not already in force;
- (d) section 124 (appeal by proprietor against decision of Secretary of State to deregister), for the purposes of appeals to the Tribunal against a decision of the Secretary of State to remove an institution from the register by virtue of section 123;
- (e) section 138(1) (interpretation of Chapter 1 of Part 4) so far as not already in force and so far as necessary for the interpretation of provisions brought into force by this article or made under such provisions.

Transitory provisions in connection with the commencement of sections 98, 99, 123 and 124 of the 2008 Act

3.—(1) Until the coming into force of section 95(1) of the 2008 Act (register of independent educational institutions for England) for all purposes, the provisions of the 2008 Act referred to in paragraphs (2) and (3) have effect subject to the modifications set out in those paragraphs.

(a) 2008 c. 25.
(b) 2002 c. 32.

(2) Sections 98(1), 99(3) and (5)(b), 123(1) and (5) and 124(1) of the 2008 Act have effect as if references in each of them to a proprietor of a registered independent educational institution were references to a proprietor of an independent school entered in the register referred to in section 158(1)(a) of the 2002 Act.

(3) Section 138(1) of the 2008 Act has effect as if the reference in the definition of “the register” to the register of independent educational institutions in England kept by the Secretary of State under section 95 of the 2008 Act were a reference to the register of independent schools in England referred to in section 158(1)(a) of the 2002 Act.

7th December 2010

Nick Gibb
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Order)

This is the seventh commencement order made under the Education and Skills Act 2008 (“the 2008 Act”).

Article 2 brings into force on 1st January 2011 the following provisions of Chapter 1 of Part 4 of the 2008 Act (regulation and inspection of independent educational provision in England) for the purposes set out in article 2—

- (a) section 98 (applications for registration of an independent educational institution in England) and section 99 (determinations of such applications);
- (b) section 123 (provision of information by proprietors of such institutions) and section 124 (appeals against decisions made by the Secretary of State to deregister such an institution for failing to provide information); and
- (c) section 138(1) (interpretation).

Article 3 contains transitory provisions which will have effect until section 95(1) of the 2008 Act (register of independent educational institutions) is brought into force for all purposes. Until that time the definition of “the register” in section 138(1) of the 2008 Act is modified to refer to the register of independent schools referred to in section 158(1)(a) of the Education Act 2002. References in sections 98, 99, 123 and 124 of the 2008 Act to the proprietor of a registered independent educational institution are modified to refer to the proprietor of a registered independent school.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 68 to 78	26th January 2009	2008/3077
Section 79 (partially)	26th January 2009	2008/3077
Section 79 (partially)	12th January 2010	2009/3316
Section 81	1st September 2009	2009/1513
Section 82	28th February 2009	2009/387
Sections 83 and 84	7th March 2009	2009/387
Section 85	28th February 2009	2009/387
Section 86 (partially)	19th June 2009	2009/1513
Section 86 (remainder)	1st August 2009	2009/1606
Sections 87 to 91	26th January 2009	2008/3077

Section 92 (partially)	19th June 2009	2009/1513
Section 92 (partially)	1st September 2009	2009/1606
Section 93	1st September 2009	2009/1606
Sections 94 to 110 (partially)	19th June 2009	2009/1513
Section 111 (partially)	19th June 2009	2009/1513
Section 111 (remainder)	1st September 2009	2009/1606
Section 112 (partially)	1st September 2009	2009/1606
Sections 113 to 116	19th June 2009	2009/1513
Section 117 (partially)	12th October 2009	2009/1606
Section 118 (partially)	19th June 2009	2009/1513
Section 119 (partially)	19th June 2009	2009/1513
Section 119 (remainder)	12th October 2009	2009/1606
Sections 120 to 123 (partially)	19th June 2009	2009/1513
Section 124 (partially)	12th October 2009	2009/1606
Sections 125 and 126	19th June 2009	2009/1513
Section 127	12th October 2009	2009/1606
Sections 128 to 133 (partially)	19th June 2009	2009/1513
Sections 134 to 136 (partially)	19th June 2009	2009/1513
Sections 134 to 136	12th October 2009	2009/1606
Section 137	1st September 2009	2009/1606
Section 138 (partially)	1st September 2009	2009/1606
Section 138 (partially)	12th October 2009	2009/1606
Section 139 (partially)	19th June 2009	2009/1513
Section 140 (partially)	19th June 2009	2009/1513
Section 140 (partially)	1st September 2009	2009/1606
Section 141 (partially)	19th June 2009	2009/1513
Section 142	30th March 2010	2010/1093
Section 143	30th March 2010	2010/1093
Section 144	30th March 2010	2010/1093
Section 145	30th March 2010	2010/1093
Section 146	1st September 2009	2009/1513
Section 147	1st September 2009	2009/1513
Section 148	1st September 2009	2009/1513
Section 150	26th January 2009	2008/3077
Section 151 (partially)	2nd December 2008	2008/3077
Section 151 (remainder)	26th January 2009	2008/3077
Sections 152 and 153	26th January 2009	2008/3077
Section 154 (partially)	30th March 2010	2010/1093
Section 154 (remainder)	1st September 2010	2010/1093
Section 159	28th February 2009	2009/387
Section 161(1), (2), (3)(a) and (5) to (9)	28th February 2009	2009/387
Section 162(1), (2), (3)(a) and (b) and (4) to (10)	31st March 2009	2009/784
Section 162(3)(c)	31st October 2009	2009/784
Section 165	26th January 2009	2008/3077
Section 169(1) (partially)	2nd December 2008 and 26th January 2009	2008/3077
Section 169(1) (partially)	1st September 2009	2009/1606
Section 169(1) (partially)	30th March 2010	2010/1093
Section 169(2) (partially)	2nd December 2008 and 26th January 2009	2008/3077

Section 169(2) (partially)	1st September 2009	2009/1513
Section 169(2) (partially)	1st September 2009	2009/1606
Section 169(2) (partially)	30th March 2010	2010/1093
Schedule 1, paragraphs 13 and 18 (partially)	1st September 2009	2009/1606
Schedule 1, paragraphs 53 (partially), 54(5) to (7), 57, 58, 61 to 64 and 68 to 73	2nd December 2008	2008/3077
Schedule 1, paragraphs 44 to 47, 53 (remainder), 54 (remainder), 55, 56, 59, 60, 65 to 67, 78, 81 to 85 and 89	26th January 2009	2008/3077
Schedule 1, paragraph 74	30th March 2010	2010/1093
Schedule 2 (partially)	26th January 2009	2008/3077
Schedule 2 (partially)	1st September 2009	2009/1513
Schedule 2 (partially)	1st September 2009	2009/1606
Schedule 2 (partially)	30th March 2010	2010/1093

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£4.00