
STATUTORY INSTRUMENTS

2010 No. 2543 (W.212) (C.122)

EDUCATION, WALES

**The Education and Inspections Act 2006
(Commencement No. 6) (Wales) Order 2010**

Made - - - - 18 October 2010

The Welsh Ministers, in exercise of the powers conferred upon the National Assembly for Wales by sections 181 and 188(3) of the Education and Inspections Act 2006^(a), and now vested in them^(b), make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Education and Inspections Act 2006 (Commencement No 6) (Wales) Order 2010.

(2) In this Order—

“the 2006 Act” (“*Deddf 2006*”) means the Education and Inspections Act 2006,

“EA 1996” (“*Deddf 1996*”) means the Education Act 1996.

Appointed days

2. The following provisions of the 2006 Act come into force on 31 October 2010—

- (a) section 88;
- (b) section 89 so far as it is not already in force;
- (c) sections 90 and 91;
- (d) section 92 except subsection 8(b);
- (e) sections 93 to 95;
- (f) section 96 so far as it is not already in force;
- (g) section 97;
- (h) sections 98 and 99 for the purpose of making regulations under the new sections 20(2A) and 22A of the Anti-social Behaviour Act 2003^(c);

(a) 2006 c. 40. Section 181 is amended by section 23 of the Learner Travel (Wales) Measure 2008 (2008 nawm 2).
(b) By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

- (i) section 102 for the purpose of making regulations;
- (j) section 108;
- (k) section 167;
- (l) section 184 to the extent that it relates to the provisions set out in paragraph (m);
- (m) in Part 6 of Schedule 18, the repeal—
 - in EA 1996 of sections 550A and 550B,
 - in School Standards and Framework Act 1998(d) of section 61 (fully),
 - in Education Act 1997(e) of sections 4 and 5,
 - in Education Act 2002(f), the definition of “pupil” in section 176(3),
 - in Childcare Act 2006(g), paragraph 42 of Schedule 2.

3. The following provisions of the 2006 Act come into force on 5 January 2011 so far as not already in force—

- (a) sections 98 and 99; and
- (b) section 102.

18 October 2010

Leighton Andrews
Minister for Children, Education and Lifelong
Learning, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings sections 88 to 99, 102, 108 and 167 of the Education and Inspections Act 2006 into force on 31 October 2010. Sections 98, 99 and 102 are brought into force for the purpose of making regulations on 31 October 2010 and are fully commenced on 5 January 2011.

Section 88 to 96 relate to school discipline, behaviour and exclusion. They establish a statutory power to enforce school discipline and more specific measures relating to excluded pupils and parental responsibility for the behaviour of children. These provisions also re-enact other existing legal provisions on the responsibilities of governing bodies for discipline and determination by the headteacher of a behaviour policy.

Sections 97 to 99 extend the availability of parenting contracts and parenting orders in respect of misbehaviour at school.

Section 102 allows for regulations that may require headteachers to arrange reintegration interviews for excluded pupils.

Section 108 extends police powers to remove truants from public places during school hours in section 16 of the Crime and Disorder Act 1998 (c. 37) to excluded pupils.

Section 167 amends section 176 of the Education Act 2002 so that the requirement to consult pupils which is imposed on local authorities and governing bodies applies in relation to pupils receiving nursery education.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Education and Inspections Act 2006 have been brought into force in relation to Wales by Commencement Orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	30 June 2008	2008/1429 (W.148)
Section 4	1 September 2009	2009/1027 (W.89)
Section 37(1) and (2)(a)	30 June 2008	2008/1429 (W.148)
Section 38	1 September 2008	2008/1429 (W.148)
Section 39	30 June 2008	2008/1429 (W.148)
Section 40	1 September 2008	2008/1429 (W.148)
Sections 43-45	30 June 2008	2008/1429 (W.148)
Section 47	30 June 2008	2008/1429 (W.148)
Section 53	30 June 2008	2008/1429 (W.148)
Section 55	9 February 2009	2008/1429 (W.148)
Section 57 in part	15 March 2010	2010/736 (W.73)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
remainder	2 April 2010	
Section 89 in part	1 January 2010	2009/2545 (W.207)
Section 96 in part	1 January 2010	2009/2545 (W.207)
Section 156	30 June 2008	2008/1429 (W.148)
Section 164	1 September 2009	2009/1027 (W.89)
Section 166	30 June 2008	2008/1429 (W.148)
Section 169	12 October 2009	2009/2545 (W.207)
Section 170	12 October 2009	2009/2545 (W.207)
Section 171	12 October 2009	2009/2545 (W.207)
Section 175	30 June 2008	2008/1429 (W.148)
Section 184 in part	30 June 2008	2008/1429 (W.148)
Section 184 in part	1 September 2008	2008/1429 (W.148)
Section 184 in part	1 September 2009	2009/1027 (W.89)
Section 184 in part	1 January 2010	2009/2545 (W.207)
Section 184 in part	2 April 2010	2010/736 (W.73)
Schedule 5 in part	15 March 2010	2010/736 (W.73)
remainder	2 April 2010	
Schedule 17	30 June 2008	2008/1429 (W.148)
Schedule 18 in part	30 June 2008	2008/1429 (W.148)
Schedule 18 in part	1 September 2008	2008/1429 (W.148)
Schedule 18 in part	1 September 2009	2009/1027 (W.89)
Schedule 18 in part	1 January 2010	2009/2545 (W.207)
Schedule 18 in part	2 April 2010	2010/736 (W.73)

Various provisions of the Education and Inspections Act 2006 have been brought into force in relation to England by the following Statutory Instruments: S.I. [2006/2990](#) as amended by S.I. [2008/54](#), S.I. [2006/3400](#), S.I. [2007/935](#) (as amended by S.I. [2007/1271](#)), S.I. [2007/1271](#), S.I. [2007/1801](#), S.I. [2007/3074](#) and S.I. [2008/1971](#).

See also section 188(1) and (2) of the provisions that came into force on 8 November 2006 (date of Royal Assent) and 8 January 2007 (two months thereafter).