



Education and Skills Act 2008

2008 CHAPTER 25

PART 5

MISCELLANEOUS AND GENERAL

CHAPTER 3

GENERAL

173 Commencement

- (1) The following provisions of this Act come into force on the day on which it is passed—
 - (a) section 80;
 - (b) section 156;
 - (c) sections 166 to 168;
 - (d) sections 170 to 172;
 - (e) this section;
 - (f) section 174;
 - (g) paragraphs 75 to 77 and 86 to 88 of Schedule 1 (and section 169 so far as relating to those paragraphs);
 - (h) the repeal in Schedule 2 relating to section 140 of the Learning and Skills Act 2000 (c. 21) (and section 169 so far as relating to that repeal).
- (2) The following provisions come into force at the end of the period of 2 months beginning with the day on which this Act is passed—
 - (a) section 149;
 - (b) section 151(1) and (4), so far as relating to sections 88P and 88Q of the School Standards and Framework Act 1998 (c. 31);
 - (c) section 164.
- (3) The following provisions, so far as they apply in relation to Wales, come into force in accordance with provision made by the Welsh Ministers by order—

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- (a) sections 150, 152 and 153;
 - (b) sections 157 and 158(b) and (c);
 - (c) sections 160 and 162;
 - (d) section 165;
 - (e) the following paragraphs of Schedule 1—
 - (i) paragraphs 54, 55, 59(7), 66 and 67, and, so far as relating to those paragraphs, paragraph 53, and
 - (ii) paragraph 79,
 (and section 169 so far as relating to those provisions);
 - (f) the repeals and revocations in Schedule 2 so far as relating to—
 - (i) sections 86 and 94 of the School Standards and Framework Act 1998,
 - (ii) section 99(4) of the Learning and Skills Act 2000,
 - (iii) section 176 of and Schedules 4 and 17 to the Education Act 2002 (c. 32),
 - (iv) paragraphs 19 and 20 of Schedule 1 to the Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239),
 (and section 169 so far as relating to those repeals and revocations).
- (4) Subject to subsections (1) to (3), the provisions of this Act come into force in accordance with provision made by the Secretary of State by order.
- (5) Before making an order under subsection (4) containing provision for the coming into force of section 67, the Secretary of State must consult the Welsh Ministers.
- (6) Before making an order under subsection (4) containing provision for the coming into force of sections 87 to 91, the Secretary of State must consult the Scottish Ministers and the Welsh Ministers.
- (7) Before making an order under subsection (4) containing provision for the coming into force of section 161(4) or 163, the Secretary of State must consult the Department for Employment and Learning in Northern Ireland.
- (8) An order under this section may—
- (a) make provision generally or for specified purposes only;
 - (b) make different provision for different purposes and in relation to different areas; and
 - (c) contain such transitory and transitional provisions and savings as the person making the order thinks fit.
- [^{F1}(9) An order under subsection (4) may provide for the following provisions to come into force with the substitution of “ the first anniversary of the date on which the person ceased to be of compulsory school age ” for “the age of 18”
- (a) section 1(b) (persons to whom Part 1 applies);
 - (b) section 29(1)(b) (employer to enable participation in education or training: extension for persons reaching 18).
- (10) The Secretary of State must—
- (a) exercise the powers conferred by subsections (4) and (9) so as to secure that sections 1 to 10 are in force with the substitution in section 1(b) mentioned in

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subsection (9) no later than the day after the day which is the school leaving date for 2013, and

- (b) exercise the power conferred by subsection (4) so as to secure that sections 1 to 10 are in force without that substitution no later than the day after the day which is the school leaving date for 2015,

subject, in each case, to any provision made by virtue of subsection (8).]

Textual Amendments

F1 S. 173(9)(10) substituted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 74, 82(3)**; [S.I. 2012/84](#), **art. 3**

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 91(3)(c) inserted by [2022 asc 1 Sch. 4 para. 22\(3\)](#)