

**1989 No. 164 (C.5)**

**EDUCATION, ENGLAND AND WALES**

**The Education Reform Act 1988 (Commencement No. 5)  
Order 1989**

*Made* - - - - - *6th February 1989*

In exercise of the powers conferred by section 236(6) to (8) of the Education Reform Act 1988(a) the Secretary of State for Education and Science hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Education Reform Act 1988 (Commencement No. 5) Order 1989.

(2) In this Order –

“the Act” means the Education Reform Act 1988;

“ILEA school” means a county or voluntary school which is maintained by the Inner London Education Authority on the date this Order is made, or a special school so maintained which is not established in a hospital, and “ILEA county school” shall be construed accordingly; and

references to the first, second, third and fourth key stages are references to the periods set out in paragraphs (a) to (d) respectively of section 3(3) of the Act.

**Coming into force of certain provisions of the Act**

2. The provisions of the Act specified in column 1 of Schedules 1 to 7 to this Order (which relate to the matters mentioned in column 2 thereof) shall, except as otherwise provided in the said column 1, come into force on the date specified in relation to each Schedule in the following table –

Schedule 1	1st March 1989
Schedule 2	1st May 1989
Schedule 3	1st August 1989
Schedule 4	1st September 1989
Schedule 5	1st April 1990
Schedule 6	1st August 1990
Schedule 7	1st August 1991

## SCHEDULE 1

### PROVISIONS COMING INTO FORCE ON 1ST MARCH 1989

<i>Provisions of the Act</i>	<i>Subject matter of the provisions</i>
Paragraph 58 of Schedule 12 and section 237(1) so far as it relates thereto.	Amendment to section 80 of the Education Act 1944 (registration of pupils at schools).
Section 12 (except in relation to ILEA county schools).	Determination by advisory councils of the cases in which the requirement for Christian collective worship is not to apply.

## SCHEDULE 2

### PROVISION COMING INTO FORCE ON 1ST MAY 1989

<i>Provision of the Act</i>	<i>Subject matter of the provision</i>
Section 115.	Power to determine times of school sessions etc.

## SCHEDULE 3

### PROVISIONS COMING INTO FORCE ON 1ST AUGUST 1989

<i>Provisions of the Act</i>	<i>Subject matter of the provisions</i>
Section 5.	Courses leading to external qualifications.
Section 10(2) and (3) (the latter subsection only in relation to pupils at schools in England in the first, second or third key stage who do not have a statement of special educational needs).	Duties with respect to certain requirements.
Section 16.	Development work and experiments.

## SCHEDULE 4

### PROVISION COMING INTO FORCE ON 1ST SEPTEMBER 1989

<i>Provision of the Act</i>	<i>Subject matter of the provision</i>
Section 23(2) (except in relation to ILEA schools).	Complaints and enforcement.

## SCHEDULE 5

### PROVISIONS COMING INTO FORCE ON 1ST APRIL 1990

<i>Provisions of the Act</i>	<i>Subject matter of the provisions</i>
Section 12 (to the extent not already in force).	Determination by advisory councils of the cases in which the requirement for Christian collective worship is not to apply.
Section 23(2) (to the extent not already in force).	Complaints and enforcement.

## SCHEDULE 6

### PROVISION COMING INTO FORCE ON 1ST AUGUST 1990

<i>Provision of the Act</i>	<i>Subject matter of the provision</i>
Section 10(3) (in relation to pupils at schools in England in the first, second and third key stage who have a statement of special educational needs and, so far as regards the core subjects, in relation to pupils at such schools in the first year of the fourth key stage).	Duties with respect to certain requirements.

## SCHEDULE 7

### PROVISION COMING INTO FORCE ON 1ST AUGUST 1991

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<i>Provision of the Act</i>	<i>Subject matter of the provision</i>
Section 10(3) (so far as regards the core subjects, in relation to pupils at schools in England in the second year of the fourth key stage).	Duties with respect to certain requirements

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6th February 1989

*Kenneth Baker*  
Secretary of State for Education and Science

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#### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st March 1989 section 12 of the 1988 Act, except in relation to county schools currently maintained by the Inner London Education Authority. That section relates to the determination by standing advisory councils on religious education of the cases in which the requirement for Christian collective worship is not to apply to a county school. Also brought into force on that date is paragraph 58 of Schedule 12 to the Act, which amends section 80 of the Education Act 1944 (registration of pupils at schools).

It brings into force on 1st May 1989 section 115 of the Act, which amends section 21 of the Education (No.2) Act 1986 to provide for the governing bodies of county, controlled and maintained special schools to determine (after consultation) the times of school sessions.

Section 5 of the Act, which provides for control over courses leading to external qualifications, is brought into force on 1st August 1989.

Also brought into force on that date is section 10(2) and, for pupils at schools in England in the first three key stages who do not have a statement of special educational needs, section 10(3); these provisions impose duties on local education authorities, governing bodies and head teachers with respect to the National Curriculum. Section 10(3) is brought into force on 1st August 1990 in relation to pupils at schools in England in the first three key stages who have a statement of special educational needs and, so far as regards the core subjects (that is to say, mathematics, English and science), for pupils at schools in England in the first year of the fourth key stage; and on 1st August 1991 so far as regards the core subjects for pupils at such schools in the second year of the fourth key stage.

The Order also brings into force on 1st August 1989 section 16, which relates to temporary disapplication or modification of the National Curriculum for development work and experiments.

It brings into force on 1st September 1989 (except for county and voluntary schools currently maintained by the Inner London Education Authority, and except for special schools so maintained which are not established in a hospital) section 23(2), which relates to complaints to the Secretary of State about unreasonable action and breaches of duty by local education authorities or governing bodies in relation to the curriculum and religious worship.

Sections 12 and 23(2) are brought fully into force on 1st April 1990.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought or will be brought into force on the dates specified in the following table: –

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 27, 28 and 32 (all partially) and section 30.	1st September 1988	1988/1459
Sections 26, 27(4) to (8) and 31(2) (all partially).	1st September 1989	1988/1459
Sections 26, 27(4) to (8) and 31(1) (all partially).	4th August 1990	1988/1459
Sections 17 to 19, 131 to 134 (including Schedule 8 to the extent not already in force), 136, 220 and paragraphs 83 to 85 of Schedule 12.	1st November 1988	1988/1794
Sections 121 (except for Southampton Institute of Higher Education) to 130 (including Schedule 7), 135, 219(2)(e), 226, 227(2) to (4), 228 and 229 and paragraphs 64 and 80 of Schedule 12.	21st November 1988	1988/1794
Sections 106 to 111, 117 and 118 and Schedule 13 as regards the repeal of section 61 of the Education Act 1944.	1st April 1989	1988/1794
Section 114, 214 to 216, and Schedule 13, as regards the repeal of section 3 of the Education Act 1967 and paragraph 14 of Schedule 3 to the Education Act 1980, and section 237(2) so far as it relates thereto.	30th November 1988	1988/2002
Section 218, paragraph 68 of Schedule 12 and section 237(1) so far as relating to those provisions, and Schedule 13, as regards the repeal of section 27 of the Education Act 1980 and paragraph 5 of Schedule 3 to the Education Act 1981, and section 237(2) so far as it relates thereto.	1st April 1989	1988/2002

<p>Section 152(10) section 219 (to the extent not already in force), paragraph 63 of Schedule 12 and section 237(1) so far as relating to those provisions, and Schedule 13 so far as it relates to the repeal of sections 25 and 29(2) to (4) of the Education Act 1944, section 7 of the Education Act 1946, and the whole of the Education (No.2) Act 1968 and section 237(2) so far as it relates thereto.</p>	<p>1st January 1989</p>	<p>1988/2271</p>
<p>Section 121 (to the extent not already in force).</p>	<p>1st February 1989</p>	<p>1988/2271</p>
<p>Section 120, paragraphs 54 to 57, 59, 61, 62, 65, 66, 69 to 79, 86 to 98, 100, 101, 103 to 105 and 107 of Schedule 12 and section 237(1) so far as relating to those provisions. Schedule 13 so far as it relates to the repeal of sections 8(1)(b) (part), 42 to 46, 50 (part), 52(1) (part), 54 (part), 60, 62(2), 69 (part), 84 and 114 (part) of the Education Act 1944; section 8(3) of the Education Act 1946; section 31(1) and (4) of the London Government Act 1963; section 16 (part) of the Industrial Training Act 1964; sections 81(4)(a) (part) and 104(2) (part) of the Local Government Act 1972; sections 24 (part) and 25(6)(c)(ii) (part) of the Sex Discrimination Act 1975; sections 19(6)(c)(ii) (part) and 78(1) (part) of the Race Relations Act 1976; and section 56 (part) of the Education (No. 2) Act 1986; and section 237(2) so far as it relates thereto.</p>	<p>1st April 1989</p>	<p>1988/2271</p>
<p>Section 7 (except in relation to ILEA schools), paragraph 99 of Schedule 12 and section 237(1) so far as relating to those provisions, and Schedule 13 so far as it relates to the repeal of sections 17(1) (part) and (4), 18(3) (part), (4), (6)(c)(ii) (part) and (8) (part), 19(3) and 20 of the Education (No.2) Act 1986, and section 237(2) so far as it relates thereto.</p>	<p>1st August 1989</p>	<p>1988/2271</p>
<p>Section 152 (to the extent not already in force).</p>	<p>1st April 1990</p>	<p>1988/2271</p>
<p>Section 7 (to the extent not already in force).</p>	<p>1st April 1990</p>	<p>1988/2271</p>

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