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STATUTORY INSTRUMENTS

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**1997 No. 1468 (C. 57)**

**EDUCATION, ENGLAND AND WALES**

**The Education Act 1997 (Commencement  
No. 2 and Transitional Provisions) Order 1997**

*Made* - - - -

*5th June 1997*

In exercise of the powers conferred on the Secretary of State by section 54(3) and 58(3) of the Education Act 1997<sup>(1)</sup>, the Secretary of State for Education and Employment as respects England and the Secretary of State for Wales as respects Wales hereby make the following Order:—

**1.—(1)** This Order may be cited as the Education Act 1997 (Commencement No. 2 and Transitional Provisions) Order 1997.

(2) In this Order

“the 1996 Act” means the Education Act 1996<sup>(2)</sup>;

“the 1997 Act” means the Education Act 1997;

“the Inspections Act” means the School Inspections Act 1996<sup>(3)</sup>;

“NCVQ” means the National Council for Vocational Qualifications;

“QCA” means the Qualifications and Curriculum Authority; and

“SCAA” means the School Curriculum and Assessment Authority.

**2.—(1)** The provisions of the 1997 Act specified in Part I of Schedule 1 to this Order shall come into force on 14th June 1997.

(2) The provisions of the 1997 Act specified in Part II of that Schedule shall come into force on 1st September 1997.

(3) The provisions of the 1997 Act specified in Part III of that Schedule shall come into force on 1st October 1997.

(4) The provisions of the 1997 Act specified in Part IV of that Schedule shall come into force on 1st November 1997.

(5) The provisions of the 1997 Act specified in Part V of that Schedule shall come into force on 1st December 1997.

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(1) 1997 c. 44.  
(2) 1996 c. 56.  
(3) 1996 c. 57.

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3. Unless otherwise specified in Schedule 1 to this Order the provisions referred to in Article 2 above shall come into force for all purposes.

4.—(1) Part I of Schedule 2 to this Order shall have effect for the purpose of making transitional provisions in connection with paragraphs 4, 5 and 7 of Schedule 6 to the 1997 Act (which are brought into force on 1st September 1997 by Article 2(2)).

(2) Part II of Schedule 2 to this Order shall have effect for the purpose of making transitional provisions in connection with paragraphs 6, 7, 27 and 28 of Schedule 7 to the 1997 Act (which are brought into force on 1st October 1997 by Article 2(3)).

## SCHEDULE 1

(Article 2)

### PART I

#### PROVISIONS COMING INTO FORCE ON 14TH JUNE 1997

Section 20.

Section 55.

Section 56.

Section 57(1) and (4) to the extent that those subsections relate to the provisions of Schedules 7 and 8 specified below.

In Schedule 7—

paragraph 15;

paragraph 18;

paragraph 20(a);

paragraph 37;

paragraph 39;

paragraph 41;

paragraph 42;

paragraph 43;

paragraph 44 to the extent that it inserts the reference to “school year” into section 580 of the 1996 Act; and

paragraph 45.

In Schedule 8 the repeal of—

section 571(2) of the 1996 Act; and

the definition of “school year” and the “and” preceding it in section 355(5) of the 1996 Act.

### PART II

#### PROVISIONS COMING INTO FORCE ON 1ST SEPTEMBER 1997

Sections 10 to 12.

Section 14 to the extent that it relates to paragraphs 3 and 4 of the Schedule inserted as Schedule 33B to the 1996 Act set out in Schedule 3.

Sections 34 and 35.

Section 37(1) to (4).

Sections 38 to 42.

Sections 44 to 46.

Section 51.

Section 52(4).

Section 57(1) and (4) to the extent that those subsections relate to the provisions of Schedules 7 and 8 specified below.

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Section 57(2) and (3).

Schedule 2.

In Schedule 3, paragraphs 3 and 4 of the Schedule inserted as Schedule 33B to the 1996 Act.

Schedule 6.

In Schedule 7—

paragraph 5;

paragraph 9;

paragraph 31 except so far as sub-paragraph (2) inserts the words “section 413B(3) (home-school partnership documents)”;

paragraph 32;

paragraph 33;

paragraph 34—

(i) except so far as sub-paragraph (a) substitutes “413A and 413B” for “413”; and

(ii) except for sub-paragraphs (b) and (c);

paragraph 44 insofar as it is not already in force;

paragraph 49(1); and

paragraph 49(3) except for paragraph (a) of paragraph 6(2A) to be inserted into Schedule 23 to the 1996 Act.

In Schedule 8 the repeal of section 423(6) of the 1996 Act.

## PART III

### PROVISIONS COMING INTO FORCE ON 1ST OCTOBER 1997

Sections 21 to 32.

Section 49(1) to the extent that it relates to section 49(2) and (3).

Section 49(2) and (3).

Section 53.

Sections 57(1) and (4) to the extent that those subsections relate to the provisions of Schedules 7 and 8 specified below.

Schedule 4.

Schedule 5.

In Schedule 7—

paragraph 1;

paragraph 2 except so far as sub-paragraph (1) provides that “public body” shall cease to include SCAA;

paragraph 3(1) except so far as it omits the entry relating to SCAA;

paragraph 4 except so far as it omits the entry relating to SCAA;

paragraphs 6 and 7;

paragraph 26 so far as it omits sections 360 and 361;

paragraphs 27 to 29; and

paragraph 30(a).

In Schedule 8 the repeal of—

the provisions in the Superannuation Act 1972<sup>(4)</sup> specified to the extent that they relate to the Curriculum and Assessment Authority for Wales;

the provisions in the House of Commons Disqualification Act 1975<sup>(5)</sup> specified to the extent that they relate to the Curriculum and Assessment Authority for Wales;

sections 360 and 361 of the 1996 Act;

Schedule 30 to the 1996 Act; and

the provisions of Schedule 37 to the 1996 Act specified except so far as they relate to SCAA.

## PART IV

### PROVISIONS COMING INTO FORCE ON 1ST NOVEMBER 1997

Section 15.

Section 16(2) and (3).

Section 16(4) in its application to England.

Section 16(6).

Section 17(4) and (8).

Section 18.

## PART V

### PROVISIONS COMING INTO FORCE ON 1ST DECEMBER 1997

Section 36.

Section 48.

## SCHEDULE 2

(Article 4)

### TRANSITIONAL PROVISIONS

#### PART I

1. The amendment of section 8(2)(d) of the Inspections Act made by paragraph 4 of Schedule 6 to the 1997 Act shall not have effect in any case where the report of an inspection mentioned in section 8(2)(d) is produced by a registered inspector before 1st September 1997.

2. The amendment of paragraph 9(2)(d) of Schedule 1 to the Nursery Education and Grant-Maintained Schools Act 1996<sup>(6)</sup> made by paragraph 5 of Schedule 6 to the 1997 Act shall not have effect in any case where the report of an inspection mentioned in paragraph 9(2)(d) is produced by a registered nursery education inspector before 1st September 1997.

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<sup>(4)</sup> 1972 c. 11.

<sup>(5)</sup> 1975 c. 24.

<sup>(6)</sup> 1996 c. 50.

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3. The amendment of either of sections 16(4)(c) and 20(4)(c) of the Inspections Act made by paragraph 7 of Schedule 6 to the 1997 Act shall not have effect in any case where an inspection report mentioned in subsection (1) of that section is received by the appropriate authority (as defined in section 11(4) or (5) of the Inspections Act) before 1st September 1997.

## PART II

4. Notwithstanding the coming into force on 1st October 1997 of paragraph 6 of Schedule 7 to the 1997 Act, which provides for the substitution of paragraph (a)(i) of section 32 of the Finance Act 1991<sup>(7)</sup> (relief in respect of a qualifying course of vocational qualification), a course of vocational training accredited as a National Vocational Qualification by the NCVQ before that date shall continue to be treated as a qualifying course of vocational training for the purposes of section 32 until such time as QCA or (as the case may be) the Qualifications, Curriculum and Assessment Authority for Wales decide that that accreditation should cease to have effect.

5. Notwithstanding the coming into force on 1st October 1997 of paragraph 7(a) of Schedule 7 to the 1997 Act, which provides for the substitution of paragraph (da) of Schedule 2 to the Charities Act 1993<sup>(8)</sup> (exempt charities), SCAA shall remain an exempt charity for the purposes of that Act until the coming into force of section 33 of the 1997 Act (dissolution of SCAA and NCVQ).

6.—(1) Notwithstanding the coming into force on 1st October 1997 of paragraphs 27 and 28 of Schedule 7 to the 1997 Act—

- (a) anything done by or in relation to SCAA prior to that date in connection with the provisions to which this paragraph applies, shall have effect as if done by or in relation to QCA; and
- (b) anything which is in the process of being done by or in relation to SCAA as at that date may, so far as it relates to those provisions, be continued by or in relation to QCA.

(2) This paragraph applies to section 362 of the 1996 Act (development work and experiments) and section 368 of that Act (procedure for making certain orders and regulations).

4th June 1997

*Stephen Byers*  
Minister of State,  
Department for Education and Employment

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(7) 1991 c. 31.  
(8) 1993 c. 10.

5th June 1997

*Peter Hain*  
Parliamentary Under Secretary of State Welsh  
Office

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## EXPLANATORY NOTE

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

This Order brings certain provisions of the Education Act 1997 into force on 14th June 1997, 1st September 1997, 1st October 1997, 1st November 1997 and 1st December 1997. The provisions are listed in Parts I to V respectively of Schedule 1.

Part I of Schedule 2 to the Order contains transitional provisions. These are consequential on the commencement of paragraphs 4, 5 and 7 of Schedule 6 to the 1997 Act, to be brought into force on 1st September 1997 by Article 2(2) and Part II of Schedule 1, and which amend certain provisions of the School Inspections Act 1996.

Part II of Schedule 2 to the Order contains further transitional provisions. These relate to the establishment of QCASCAA, and the reconstitution of the Curriculum and Assessment Authority for Wales as the Qualifications, Curriculum and Assessment Authority for Wales (which, in each case, will take effect on 1st October 1997 by virtue of Article 2(3)); and the dissolution of NCVQ and SCAA (which will take effect on a subsequent date when section 33 of the 1997 Act is brought into force).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 1, section 57(4) (partially) and Schedule 8 (partially)	4 April 1997	<a href="#">1997/1153</a>