

**2002 No. 2002 (C. 63)**

**EDUCATION, ENGLAND**

**The Education Act 2002 (Commencement No. 1)  
Order 2002**

*Made* - - - - -

*25th July 2002*

In exercise of the powers conferred by section 216(2) and (4) of the Education Act 2002(a), the Secretary of State for Education and Skills hereby makes the following Order:

**Citation and Interpretation**

1.—(1) This Order may be cited as the Education Act 2002 (Commencement No. 1) Order 2002.

(2) In this Order “the 2002 Act” means the Education Act 2002.

**Provisions coming into force**

2. The following provisions of the 2002 Act shall come into force on 26th July 2002:  
sections 65, and 67 to 69;  
section 78 for the purposes only of the reference to it in section 65;  
Schedule 7.

3. The following provisions of the 2002 Act shall come into force except in relation to Wales on 26th July 2002:

sections 60 and 61;  
section 215(2) to the extent that it relates to the provisions of Schedule 22 specified below;  
in Schedule 22—  
the repeal of section 28Q(12) of the Disability Discrimination Act 1995,  
the repeal of the entries relating to—  
    city academy,  
    city college for the technology of the arts,  
    city technology college  
in section 580 of the Education Act 1996, and  
the repeal of sections 130 to 132 of, and Schedule 8 to, the Learning and Skills Act 2000.

4. The following provisions shall come into force except in relation to Wales on 2nd September 2002:

sections 28 and 29;  
section 40 to the extent that it relates to the provisions of Schedule 3 specified below;  
section 43;  
sections 54 to 59;  
section 152 to the extent that it relates to the provisions of Schedule 13 specified below;  
section 155 to the extent that it relates to the provisions of Schedule 14 specified below;

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(a) 2002 (c. 32)

section 204;  
section 215(1) to the extent that it relates to the provisions of Schedule 21 specified below;  
section 215(2) to the extent that it relates to the provisions of Schedule 22 specified below;  
in paragraph 3 of Schedule 1, sub-paragraph (1) except paragraph (a) of that sub-paragraph, and sub-paragraphs (3) to (8) so far as they are necessary for the purposes of sub-paragraph (1);  
in Schedule 3, paragraphs 1 to 5;  
Schedule 5;  
Schedule 6;  
in Schedule 13, paragraphs 4 and 5;  
in Schedule 14, paragraphs 1 to 4;  
in Schedule 21, paragraph 34;  
in Schedule 22—  
the repeal of section 79U(5), and the definition of “authorised inspector” from section 79U(9) of the Children Act 1989,  
the repeal of Chapter 1 of Part 4 of the Education Act 1997, and  
the repeal of section 16(4) and (13) of the School Standards and Framework Act 1998.

25th July 2002

*David Miliband*  
Minister of State,  
Department for Education and Skills

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#### EXPLANATORY NOTE

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

This Order brings into force certain provisions of the Education Act 2002 on 26th July 2002 and 2nd September 2002. The provisions are listed in articles 2, 3 and 4. Article 2 relates to provisions concerning Academies and city colleges (save for section 66 which will be commenced at a later date). Article 3 relates to the amendment of the power of the Secretary of State to secure proper performance of LEA functions under section 497A of the Education Act 1996. Article 4 relates to the new power of governing bodies to provide community facilities, and related provisions, the new requirement on LEAs to constitute school forums, new powers to LEAs and the Secretary of State over schools causing concern; certain amendments to the Children Act 1989 and Schedule 26 of the School Standards and Framework Act 1998 in respect of the regulation of childminders and day care providers and the inspection of nursery education, and the repeal of the requirement for baseline assessment. The provisions listed in article 2 only apply to England but are brought into force for all purposes (save for section 78) in accordance with the Secretary of State’s power in section 216(2). The provisions listed in articles 3 and 4 are brought into force for England only, in accordance with the Secretary of State’s power in section 216(4).

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