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STATUTORY INSTRUMENTS

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**2002 No. 2439**

**The Education Act 2002 (Commencement No. 2 and Savings and Transitional Provisions) Order 2002**

**Provisions coming into force**

**3.** The following provisions of the 2002 Act shall come into force except in relation to Wales on 1st October 2002—

- section 1 except for the words “(b) a maintained nursery school” in the list of qualifying schools in section 1(3);
- sections 2 to 5;
- sections 14 to 17;
- section 19(6);
- section 30;
- section 37;
- the definition of “budget share” in section 39(1);
- section 39(2);
- section 41(1) and (3);
- section 42;
- sections 47 to 49;
- section 51 to the extent that it relates to the paragraphs of Schedule 4 specified below,
- sections 62 to 64;
- section 131;
- section 148 to the extent that it relates to the paragraphs of Schedule 12 specified below;
- sections 149 to 150;
- section 151(1);
- section 152 to the extent that it relates to the paragraphs of Schedule 13 specified below;
- section 155 to the extent that it relates to the paragraphs of Schedule 14 specified below;
- section 156;
- section 177;
- section 178(1) and (2);
- sections 179 and 180;
- section 187;
- section 188 to the extent that it relates to the paragraphs of Schedule 16 specified below;
- section 205;
- section 206;

section 215 to the extent that it relates to the paragraphs of Schedule 21 and Schedule 22 specified below;

Schedule 1 so far as it is not already in force;

in Schedule 4, paragraphs 1, 3, 5 to 7, 10, 11, 13 and 14;

in Schedule 12, paragraphs 1, 2, 4(1) and (3), 6, 9, 11 and 12(1) and (2);

in Schedule 13, paragraphs 1 to 3, 6, 7(1) and (3) and 8;

in Schedule 14, paragraphs 5, 6 and 7;

Schedule 15 except for the words “(b) a nursery school” in paragraph 2(2);

in Schedule 16, paragraphs 7 to 9;

Schedule 20;

in Schedule 21—

paragraphs 8, 11, 13, 16, 19, 20, 21, 31, 32, 33, and 39(5);

paragraph 45 for the purpose of the substitution of paragraph (aa), save for sub-paragraph (ii), for paragraph (a),

paragraph 46 (1) to (3);

paragraph 46 (4) for the purposes of inserting sub-section (4) save for the words “and, (b) sections 97 to 117 (the curriculum in Wales)”;

paragraph 46(5) for the purposes of inserting the new text save for the words “or 7”;

paragraph 47 (1), (2) and (4);

paragraph 48 for the purpose of substituting the new text save for the words “or 109” and “or National Curriculum for Wales” in sub-paragraph (2), and the words “or 109” in sub-paragraph (3);

paragraph 51;

paragraph 57(b) and (c);

paragraph 63(b);

paragraph 66 for the purpose of substituting the new text save for the words “or 101(1) (a)”;

paragraphs 68 and 69;

paragraph 85(a);

paragraph 91;

paragraph 100(1) and (2);

paragraph 104 for the purpose of substituting the new text save for the words “or 101(1) (a)” in sub-paragraphs (2) and (3);

paragraph 105 for the purpose of substituting the new text save for the words “or 101(1) (a)”;

paragraph 108;

paragraph 111;

paragraph 113 (c), (d), and (g);

paragraph 117 for the purpose of substituting the new text save for the words “or 101(1) (a)” in sub-paragraphs (2) and (3);

paragraph 118(6);

paragraph 124;

in Schedule 22, Part 3 the repeal of—

- section 40 of the Local Government (Miscellaneous Provisions) Act 1982;
- section 49 of the Education Act (No. 2) 1986;
- in the Children Act 1989,
  - in section 19, subsections (1) and (2) and in subsection (4) the words “the two authorities, or, in Scotland,”;
  - in section 79M(1), the word “or” at the end of paragraph (a);
  - in the Further and Higher Education Act 1992, section 23(4)(b) and the word “and” immediately preceding it, sections 39 to 42 and section 60;
  - in the Education Act 1996—
    - in section 2(3)(a) the words “(including vocational, social, physical and recreational training)”;
    - in section 4(1) the words “part-time education suitable to the requirements of junior pupils or”;
    - in section 5(1) the words “part-time education suitable to the requirements of junior pupils or”;
  - section 350 to 369;
  - section 408(4)(a);
  - in section 409(1) the words “with the approval of the Secretary of State and”;
  - section 410;
  - section 483(3A);
  - section 483A(7);
  - section 497A(3);
  - in section 548(8) paragraph (c);
  - in section 568, in subsection (3) the words from “section 354(6)” to “401”, and subsection (4);
  - in Schedule 37, paragraph 55;
- in the School Inspections Act 1996—
  - in section 3(3), the word “and” at the end of paragraph (a);
- in section 6(3), the word “and” at the end of paragraph (a);
- in section 16(3), the word “and” preceding paragraph (d);
- in the Education Act 1997, in Schedule 7, paragraphs 9(3), 27(a) and 28(b);
- in the School Standards and Framework Act 1998—
  - sections 10(3) and (7);
  - in section 11, in subsection (2) the words from “and” to the end, and subsection (3);
  - section 36(2);
  - section 42;
  - section 46;
  - section 57;
  - in section 84(6), the definition of “the relevant standard number”;
  - section 86(3) (b) and (6);

section 91;  
section 93;  
in section 119(5), the word “and” at the end of paragraph (a);  
in section 120(2)(a), the words “of proposals” and “and”;  
in section 121, in subsection (1), the words “the authority’s statement of proposals” and  
in subsection (9) the words “early years development”;  
in section 138—  
    in subsection (2)(b), the words “paragraph 3(5) or 4 of Schedule 10”;  
    in subsection (4)(b) the words “paragraph 4 or 8 of Schedule 23 or”, and  
    in subsection (5)(b)(ii) the word “46”;  
in subsection 143, the entries relating to local schools budget and relevant standard  
number;  
in Schedule 4, paragraph 5(4)(e);  
Schedule 10;  
Schedule 23;  
in Schedule 26, paragraphs 8(9), and 15;  
in Schedule 28, paragraph 4(1);  
in Schedule 30, paragraphs 14, 85 to 90, 194(3)(a)(ii) and 204(b);  
in the Learning and Skills Act 2000—  
section 148(2);  
in Schedule 9, paragraphs 26, 30 and 35.