

**2003 No. 2992 (C.111)**

**EDUCATION, ENGLAND**

**The Education Act 2002 (Commencement No. 2 and Savings and Transitional Provisions) (Amendment No. 2) Order 2003**

*Made* - - - - - *20th November 2003*

*Coming into force* - - - - - *4th December 2003*

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

**Citation and commencement**

1. This Order may be cited as the Education Act 2002 (Commencement No. 2 and Savings and Transitional Provisions) (Amendment No. 2) Order 2003 and shall come into force on 4th December 2003.

**Revocation**

2. The Education Act 2002 (Commencement No. 2 and Savings and Transitional Provisions) (Amendment) Order 2003(b) is hereby revoked.

**Amendment of Commencement No 2 Order**

3. For paragraph 4 of Part 2 of the Schedule to the Education Act 2002 (Commencement No. 2 and Savings and Transitional Provisions) Order 2002(c) substitute—

“4.—(1) Despite the coming into force of section 47(1) of, and paragraph 3 of Schedule 4 to, the 2002 Act—

(a) the amendments to section 86 of the 1998 Act shall not have effect in relation to the admission of a child to a maintained school in any school year earlier than the 2004-05 school year; and

(b) in relation to the admission of a child—

(i) to a maintained primary school in the 2004-05 school year,

(ii) to a maintained primary school in the 2005-06 school year where a scheme has not been adopted or made by virtue of section 89B and 89C of the 1998 Act(d) for that year, or

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(a) 2002 c.32.

(b) S.I. 2003/606.

(c) S.I. 2002/2439.

(d) 1998 c.31. Sections 89B and 89C were inserted into the 1998 Act by section 48 of the Education Act 2002.

- (iii) to a maintained secondary school in the 2004-05 school year where a scheme has not been adopted or made by virtue of section 89B and 89C of the 1998 Act for that year,

paragraph 3 of Schedule 4 to the 2002 Act shall apply with the modifications made by sub-paragraph (2).

(2) The modifications referred to in sub-paragraph (1) are that—

- (a) paragraph 3(2) of Schedule 4, insofar as it provides that section 86(2) is not to be subject to section 86(6), and
- (b) paragraph 3(6) of that Schedule (which provides that section 86(6) shall cease to have effect),

are to be disregarded.”

*David Miliband*

Minister of State

Department for Education and Skills

20th November 2003

### **EXPLANATORY NOTE**

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

This Order amends the Education Act 2002 (Commencement No.2 and Savings and Transitional Provisions) Order 2002 and revokes the Education Act 2002 (Commencement No. 2 and Savings and Transitional Provisions) (Amendment) Order 2003.

The amendments extend some, but not all, of the savings to section 86 of the School Standards and Framework Act 1998 to enable maintained schools to continue co-ordinating their admission arrangements under section 86(6) of the School Standards and Framework Act 1998.

Maintained primary schools will be able to continue to co-ordinate under section 86(6) for the school year 2004-05 and, where a qualifying scheme has not been adopted or made by virtue of sections 89B and 89C of the 1998 Act in relation to the 2005-06 school year, for the 2005-06 school year.

Maintained secondary schools will be able to continue to co-ordinate under section 86(6) for the school year 2004-05 where a qualifying scheme has not been adopted or made by virtue of sections 89B and 89C of the 1998 Act in relation to that year.

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