

**2004 No. 1318 (C. 53)**

**EDUCATION, ENGLAND**

**Education Act 2002 (Commencement No. 8) Order 2004**

*Made* - - - -

*12th May 2004*

The Secretary of State for Education and Skills, in exercise of the power conferred upon him by section 216(4) of the Education Act 2002(a), hereby makes the following Order:

**Citation**

1. This Order may be cited as the Education Act 2002 (Commencement No. 8) Order 2004.

**Provisions coming into force**

2. Sections 53 and 175 of the Education Act 2002 shall come into force except in relation to Wales on 1st June 2004.

12th May 2004

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

## EXPLANATORY NOTE

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

This Order brings two provisions of the Education Act 2002 into force in England from 1st June 2004. Section 53 amends section 63 of the School Standards and Framework Act 1998(a) to enable regulations made under that section to make provision in respect of authorised as well as unauthorised absences. Section 175 relates to the duties of local education authorities and governing bodies in relation to the welfare of children.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 (partially), as to England	1st October 2002	2002/2439
Section 1 (fully), as to England	1st September 2003	2003/1667
Sections 2 to 5, as to England	1st October 2002	2002/2439
Sections 11 and 12, as to England	20th January 2003	2002/2952
Sections 14 to 17, as to England	1st October 2002	2002/2439
Sections 14 to 17 and 18(2), as to Wales	31st March 2003	2002/3185 (W. 301)
Section 18, except for the repeal of section 486 of the Education Act 1996 made by paragraph (g) of subsection (1), as to England	1st April 2003	2003/124
Section 19(2) to (5) and (7), as to England	1st March 2003	2003/124
Section 19(6), as to England	1st October 2002	2002/2439
In section 19(8), the words “regulations under this section may include provision with respect to the governing body of federations”, as to England	1st April 2003	2003/124
Section 19, (fully), as to England	1st September 2003	2003/1667
Section 19(6) (partially), as to Wales	1st September 2003	2003/1718 (W. 185)
Section 20(2) and (3), as to England	1st March 2003	2003/124
In section 20(4), the words “regulations under subsection (2) may include provision with respect to instruments of government for federations”, as to England	1st April 2003	2003/124
Section 20 (fully), as to England	1st September 2003	2003/1667
Section 21(3), as to England	1st March 2003	2003/124
Section 21 (fully), as to England	1st September 2003	2003/1667
Section 22, as to England	1st September 2003	2003/1667
Section 23, as to England	1st March 2003	2003/124
Section 24(1), for the purpose of making regulations only, as to England	1st April 2003	2003/124

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(a) 1998 c. 31.

Section 24(2) to (6), as to England	1st April 2003	2003/124
Section 24 (fully), as to England	1st September 2003	2003/1667
Section 25, as to England	1st April 2003	2003/124
Section 26, as to England	1st March 2003	2003/124
Sections 27 and 28, as to England	2nd September 2002	2002/2002 as amended by 2002/2018
Sections 27 and 28, as to Wales	1st September 2003	2003/1718 (W. 185)
Section 29, as to England	1st September 2003	2003/1667
Section 29, as to Wales	1st September 2003	2003/1718 (W. 185)
Section 30, as to England	1st October 2002	2002/2439
Section 32, as to England	1st September 2003	2003/1667
Section 33(3), as to England	1st March 2003	2003/124
Section 33 (fully), as to England	1st September 2003	2003/1667
Section 34, as to England	1st April 2003	2003/124
Section 35(4) and (5), as to England	1st April 2003	2003/124
Section 35 (fully), as to England	1st September 2003	2003/1667
Section 36(4) and (5), as to England	1st April 2003	2003/124
Section 36 (fully), as to England	1st September 2003	2003/1667
Section 37, as to England	1st October 2002	2002/2439
Section 38(1), (2) and (4) to (7), as to England	1st October 2003	2003/1667
Section 39(1)(partially), as to England	1st October 2002	2002/2439
Section 39(1) (fully), as to England	1st September 2003	2003/1667
In section 39(1), the definition of “federation” and “federated school”, as to England	1st April 2003	2003/124
Section 39(2), as to England	1st October 2002	2002/2439
Section 40 (partially), as to England	2nd September 2002	2002/2002
Section 40 (fully), as to England	1st September 2003	2003/1667
Section 40 (partially), as to Wales	1st September 2003	2003/1718 (W. 185)
Section 41(1) and (3), as to England	1st October 2002	2002/2439
Section 41, as to Wales	4th December 2003	2003/2961 (W. 278)
Section 42, as to England	1st October 2002	2002/2439
Section 42, as to Wales	4th December 2003	2003/2961 (W. 278)
Section 43, as to England	2nd September 2002	2002/2002
Section 43, as to Wales	1st November 2003	2003/1718 (W. 185)
Section 44(1) to (6), as to England	1st April 2003	2003/124
Section 44(7), as to England	1st September 2003	2003/1667
Section 45, as to England	1st April 2003	2003/124
Section 46, as to England	20th January 2003	2002/2952
Section 46, as to Wales	1st December 2003	2003/2961 (W. 278)
Sections 47 to 49, as to England	1st October 2002	2002/2439
Section 49, as to Wales	19th December 2002	2002/3185 (W. 301)
Section 50, as to England	20th January 2003	2002/2952

Section 51 (partially), as to England	1st October 2002	2002/2439
Section 51 (fully), as to England	20th January 2003	2002/2952
Section 51 (partially), as to Wales	9th January 2004	2003/2961 (W. 278)
Section 51 (partially), as to Wales	31st March 2004	2004/912 (W. 95)
Section 52(1) to (6), as to England	20th January 2003	2002/2952
Section 52(1) to (6), as to Wales	9th January 2004	2003/2961 (W. 278)
Section 52(11), as to England	1st September 2003	2003/1667
Sections 54 to 59, as to England	2nd September 2002	2002/2002
Sections 54 to 56, as to Wales	19th December 2002	2002/3185 (W.301)
Sections 60 and 61, as to England	26th July 2002	2002/2002
Sections 62 to 64, as to England	1st October 2002	2002/2439
Sections 60 to 64, as to Wales	1st August 2003	2003/1718 (W. 185)
Section 65	26th July 2002	2002/2002
Section 66	20th January 2003	2002/2952
Sections 67 to 69	26th July 2002	2002/2002
Section 70, as to England	1st June 2003	2003/1115
Section 71, as to England	1st June 2003	2003/1115
Section 72, as to England	1st April 2003	2003/124
Section 73, as to England	1st June 2003	2003/1115
Section 74(1), as to England	1st June 2003	2003/1115
Section 74(2) and (3), as to England	1st April 2003	2003/124
Section 75 (partially), as to Wales	19th December 2002	2002/3185 (W. 301)
Section 75 (partially), as to England	1st April 2003	2003/124
Section 75 (fully), as to England	1st June 2003	2003/1115
Sections 76 and 77, as to England	1st October 2002	2002/2439
Section 78 (partially), as to England	26th July 2002	2002/2002
Section 78 (fully), as to England	1st October 2002	2002/2439
Sections 79 to 96, as to England	1st October 2002	2002/2439
Sections 97, 98, 99(1), as to Wales	19th December 2002	2002/3185 (W. 301)
Section 100 (partially), as to Wales	19th December 2002	2002/3185 (W. 301)
Section 101 (partially), as to Wales	19th December 2002	2002/3185 (W. 301)
Sections 103, 105 to 107, as to Wales	19th December 2002	2002/3185 (W. 301)
Section 108 (partially), as to Wales	19th December 2002	2002/3185 (W. 301)
Sections 109, 111 to 118, as to Wales	19th December 2002	2002/3185 (W. 301)
Section 119	1st October 2002	2002/2439
Section 120(1), and (3) to (5)	1st October 2002	2002/2439
Section 120(2)	1st August 2003	2003/1667
Section 121	1st October 2002	2002/2439
Sections 122 to 129	1st August 2003	2003/1667

Section 130 (partially)	1st October 2002	2002/2439
Section 130 (fully)	1st August 2003	2003/1667
Section 131, as to England	1st October 2002	2002/2439
Section 131, as to Wales	19th December 2002	2002/3185 (W. 301)
Sections 132 and 133, as to Wales	19th December 2002	2002/3185 (W. 301)
Sections 132 and 133, as to England	1st August 2003	2003/1667
Section 134 (partially), as to Wales	19th December 2002	2002/3185 (W. 301)
Section 134 (1), (4) and (5), as to England	1st August 2003	2003/1667
Section 135, as to Wales	19th December 2002	2002/3185 (W. 301)
Section 135, as to England	1st October 2003	2003/1667
Sections 136 to 140, as to Wales	1st September 2003	2003/1718 (W. 185)
Section 141, as to Wales	19th December 2002	2002/3185 (W. 301)
Section 141, as to England	1st August 2003	2003/1667
Sections 142 to 144, as to Wales	31st March 2003	2002/3185 (W. 301)
Sections 142 to 144, as to England	1st June 2003	2003/1115
Section 145, as to Wales	19th December 2002	2002/3185 (W. 301)
Section 145, as to England	1st August 2003	2003/1667
Section 146 (partially), as to Wales	31st March 2003	2002/3185 (W. 301)
Section 146 (partially), as to England	1st June 2003	2003/1115
Section 146 (partially), as to England	1st August 2003	2003/1667
Section 146 (partially), as to England	1st September 2003	2003/1667
Section 146 (partially), as to England	1st October 2003	2003/1667
Section 148 (partially), as to England	1st October 2002	2002/2439
Section 148 (partially), as to Wales	19th December 2002	2002/3185 (W. 301)
Section 148 (partially), as to Wales	31st March 2003	2002/3185 (W. 301)
Section 148 (partially), as to England	1st August 2003	2003/1667
Section 149, as to England	1st October 2002	2002/2439
Section 149, as to Wales	31st March 2003	2002/3185 (W. 301)
Section 150, as to England	1st October 2002	2002/2439
Section 150, as to Wales	31st March 2003	2002/3185 (W. 301)
Section 151(1), as to England	1st October 2002	2002/2439
Section 151(2), as to Wales	19th December 2002	2002/3185 (W. 301)
Section 152 (partially), as to England	2nd September 2002	2002/2002
Section 152 (partially), as to Wales	19th December 2002	2002/3185 (W. 301)
Section 153, as to England	1st April 2003	2003/124
Section 154(1) and (2), as to England	1st June 2003	2003/1115

Section 154, as to Wales	31st March 2004	2004/912 (W. 95)
Section 155 (partially), as to England	2nd September 2002	2002/2002
Section 155 (fully), as to England	1st October 2002	2002/2439
Section 156, as to England	1st October 2002	2002/2439
Section 156, as to Wales	31st March 2004	2004/912 (W. 95)
Sections 157 to 174, except 158(3), as to England	1st September 2003	2003/1667
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Section 176, as to England	1st September 2003	2003/1667
Section 177, as to England	1st October 2002	2002/2439
Section 177, as to Wales	1st August 2004	2004/912 (W. 95)
Section 178(1) and (2), as to England	1st October 2002	2002/2439
Section 178(3), as to England	20th January 2003	2002/2952
Section 178(1) and (4), as to Wales	1st August 2003	2003/1718 (W. 185)
Section 179, as to England	1st October 2002	2002/2439
Section 179 (partially), as to Wales	19th December 2002	2002/3185 (W. 301)
Section 180, as to England	1st October 2002	2002/2439
Section 180, as to Wales	19th December 2002	2002/3185 (W. 301)
Section 181 to 185, as to England	1st September 2003	2003/1667
Section 181 to 185, as to Wales	1st September 2003	2003/1718 (W. 185)
Section 187 (partially), as to England	1st October 2002	2002/2439
Section 187 (fully), as to England	1st September 2003	2003/1667
Section 188 (partially), as to England	1st October 2002	2002/2439
Section 188 (partially), as to Wales	19th December 2002	2002/3185 (W. 301)
Section 188 (partially), as to England	1st September 2003	2003/1667
Section 188 (partially), as to Wales	1st December 2003	2003/2961 (W. 278)
Section 189 (partially), for the purpose of introducing those paragraphs of Schedule 17 which apply except in relation to Wales	1st October 2002	2002/2439
Section 189 (partially), for the purpose of introducing those paragraphs of Schedule 17 which apply in relation to Wales	19th December 2002	2002/3185 (W. 301)
Section 191 to 194, as to Wales	19th December 2002	2002/3185 (W. 301)
Section 195 (partially), as to Wales	31st March 2003	2002/3185 (W. 301)
Section 195 (partially), as to Wales	1st September 2003	2002/3185 (W. 301)
Section 196, as to Wales	19th December 2002	2002/3185 (W. 301)

Section 197, as to Wales	1st September 2003	2003/1718 (W. 185)
Section 198, as to Wales	31st March 2004	2004/912 (W. 95)
Section 199, as to England	20th January 2003	2002/2952
Section 199, as to Wales	1st September 2003	2003/1718 (W. 185)
Section 200, as to Wales	31st March 2003	2002/3185 (W. 301)
Section 200, as to England	6th April 2003	2003/124
Section 201 (partially), as to Wales	31st March 2003	2002/3185 (W. 301)
Section 201 (partially), as to England	6th April 2003	2003/124
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Section 204, as to England	2nd September 2002	2002/2002
Sections 205 and 206, as to England	1st October 2002	2002/2439
Section 206, as to Wales	1st September 2003	2003/1718 (W. 185)
Sections 207 and 208, as to England	1st April 2003	2003/124
Sections 207 and 208, as to Wales	9th January 2004	2003/2961 (W. 278)
Section 209	1st April 2003	2003/124
Section 215 (partially), as to England	26th July 2002	2002/2002
(partially), as to England	2nd September 2002	2002/2002
(partially), as to England	1st October 2002	2002/2439
(partially), as to Wales	19th December 2002	2002/3185 (W. 301)
(partially), as to England	20th January 2003	2002/2952
(partially), as to Wales	31st March 2003	2002/3185 (W. 301)
(partially), as to Wales	1st September 2003	2002/3185 (W. 301)
(partially), as to England	1st March 2003	2003/124
(partially), as to England	1st April 2003	2003/124
(partially), as to England	6th April 2003	2003/124
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(partially), as to England	1st August 2003	2003/1667
(partially), as to Wales	1st August 2003	2003/1718 (W. 185)
(partially), as to England	1st September 2003	2003/1667
(partially), as to Wales	1st September 2003	2003/1718 (W. 185)
(partially), as to England	1st October 2003	2003/1667
(partially), as to Wales	4th December 2003	2003/2961 (W. 278)
(partially), as to Wales	1st January 2004	2003/2961 (W. 278)
(partially), as to Wales	9th January 2004	2003/2961 (W. 278)

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(partially), as to Wales	1st August 2004	2004/912 (W. 95)
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Schedule 1 (partially), as to Wales	1st September 2003	2003/1718 (W. 185)
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Schedule 4 (fully), as to England	20th January 2003	2002/2952
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Schedule 4 (partially), as to Wales	31st March 2004	2004/912 (W. 95)
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Schedule 5, as to Wales	19th December 2002	2002/3185 (W. 301)
Schedule 7	26th July 2002	2002/2002
Schedule 8	1st June 2003	2003/1115
Schedule 9, as to England	1st April 2003	2003/124
Schedule 10, paragraphs 1, 6, 11 and 15, as to Wales	19th December 2002	2002/3185 (W. 301)
Schedule 10, paragraphs 1, 6 and 11 to 15, as to England	1st April 2003	2003/124
Schedule 10, (fully), as to England	1st June 2003	2003/1115
Schedule 11	1st October 2002	2002/2439
Schedule 12, paragraphs 1, 2, 4(1), and (3), 6, 9, 11 and 12(1) and (2), as to England	1st October 2002	2002/2439
Schedule 12, paragraphs 1, 2, 4(1) and (3), 6 and 7, as to Wales	19th December 2002	2002/3185 (W. 301)
Schedule 12, paragraphs 12(1) and (2), as to Wales	31st March 2003	2002/3185 (W. 301)
Schedule 12, paragraphs 3(1), (2), (3) save for the words “or provisional”, (4) and (6), 4(4) save for the words “or provisional registration”, 8 save for the words “or provisional registration”, 10 save for the words “or provisional”, 12(3) save for the words “or provisional”, as to England	1st August 2003	2003/1667
Schedule 13, paragraphs 4 and 5, as to England	2nd September 2002	2002/2002
Schedule 13, paragraphs 1, 2, 3, 6, 7(1) and (3), and (8), as to England	1st October 2002	2002/2439
Schedule 13, paragraphs 1 to 3, 5, 6, 7(1) and (3), and 8, as to Wales	19th December 2002	2002/3185 (W. 301)
Schedule 14, paragraphs 1 to 4, as to England	2nd September 2002	2002/2002
Remaining paragraphs, as to England	1st October 2002	2002/2439



Schedule 15 fully except for the words “(b) nursery school” in paragraphs 2(2)	1st October 2002	2002/2439
Schedule 15 (fully), as to England	1st September 2003	2003/1667
Schedule 16, paragraphs 7 to 9, as to England	1st October 2002	2002/2439
Schedule 16, paragraphs 4 to 9, as to Wales	19th December 2002	2002/3185 (W. 301)
Schedule 16, paragraphs 1, and 3 to 6, as to England	1st September 2003	2003/1667
Schedule 16, paragraphs 1 to 3, as to Wales	1st December 2003	2003/2961 (W. 278)
Schedule 17, paragraphs 1 to 4 and 9	1st October 2002	2002/2439
Schedule 17, paragraphs 5(1) - (4), (6), and 6 to 8, as to Wales	19th December 2002	2002/3185 (W. 301)
Schedule 18 paragraphs 1, 4, 5, 7, 8 (partially),13, 14 and 15, as to Wales	31st March 2003	2002/3185 (W. 301)
Schedule 18, paragraphs 2,3, 6, 8 (fully), 9 to 12, and 16 to 18, as to Wales	1st September 2003	2002/3185 (W. 301)
Schedule 19, as to England	20th January 2003	2002/2952
Schedule 19, as to Wales	1st September 2003	2003/1718 (W. 185)
Schedule 20, as to England	1st October 2002	2002/2439
Schedule 20, as to Wales	1st September 2003	2003/1718 (W. 185)
Schedule 21 (partially), as to England	2nd September 2002	2002/2002
(partially), as to England	1st October 2002	2002/2439
(partially), as to Wales	19th December 2002	2002/3185 (W. 301)
(partially), as to England	20th January 2003	2002/2952
(partially), as to Wales	31st March 2003	2002/3185 (W. 301)
(partially) as to England	1st March 2003	2003/124
(partially) as to England	1st April 2003	2003/124
(partially), as to England	1st June 2003	2003/1115
(partially), as to England	1st August 2003	2003/1667
(partially), as to England	1st September 2003	2003/1667
(partially), as to England	1st September 2003	2003/2071
(partially), as to England	1st October 2003	2003/1667
(partially), as to Wales	4th December 2003	2003/2961 (W. 278)
(partially), as to Wales	1st January 2004	2003/2961 (W. 278)
(partially), as to Wales	9th January 2004	2003/2961 (W. 278)
(partially), as to Wales	31st March 2004	2004/912 (W. 95)

Schedule 22, (partially), as to England	26th July 2002	2002/2002
(partially), as to England	2nd September 2002	2002/2002
(partially), as to England	1st October 2002	2002/2439
(partially), as to Wales	19th December 2002	2002/3185 (W. 301)
(partially), as to England	20th January 2003	2002/2952
(partially), as to Wales	31st March 2003	2002/3185 (W. 301)
(partially), as to Wales	1st September 2003	2002/3185 (W. 301)
(partially) as to England	1st April 2003	2003/124
(partially), as to England	6th April 2003	2003/124
(partially) as to England	1st June 2003	2003/1115
(partially), as to England	1st August 2003	2003/1667
(partially), as to Wales	1st August 2003	2003/1718 (W. 185)
(partially), as to England	1st September 2003	2003/1667
(partially), as to Wales	1st September 2003	2003/1718 (W. 185)
(partially), as to England	1st October 2003	2003/1667
(partially), as to Wales	4th December 2003	2003/2961 (W. 278)
(partially), as to Wales	1st January 2004	2003/2961 (W. 278)
(partially), as to Wales	9th January 2004	2003/2961 (W. 278)
(partially), as to Wales	31st March 2004	2004/912 (W. 95)
(partially), as to Wales	1st August 2004	2004/912 (W. 95)



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STATUTORY INSTRUMENTS

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**2004 No. 1318 (C. 53)**

**EDUCATION, ENGLAND**

Education Act 2002 (Commencement No. 8) Order 2004

£3.00

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty's  
Stationery Office and Queen's Printer of Acts of Parliament.

E0724 5/2004 140724T 19585

ISBN 0-11-049300-1



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