
STATUTORY INSTRUMENTS

2006 No. 2129 (C. 70)

EDUCATION, ENGLAND AND WALES

**The Education Act 2005 (Commencement No. 2 and
Transitional Provisions and Savings) Order 2006**

Made - - - - 31st July 2006

The Secretary of State for Education and Skills makes the following Order in exercise of the powers conferred by sections 120(2) and 125(4) of the Education Act 2005⁽¹⁾:

Citation and Interpretation

1. This Order may be cited as the Education Act 2005 (Commencement No. 2 and Transitional Provisions and Savings) Order 2006.
2. In this Order “the 2005 Act” means the Education Act 2005.

Provisions coming into force

3. The following provisions of the 2005 Act shall come into force in relation to England and Wales on the day after this Order is made—

Section 65 to the extent that it brings section 28A(8) of the School Standards and Framework Act 1998⁽²⁾ into force;

Section 66(6), (10) and (13); and

In Schedule 10, paragraphs 4(4) and 8.

4. The following provisions of the 2005 Act shall come into force in relation to England and Wales on 1st September 2006—

Section 64;

Section 65 fully;

Section 66 fully;

Section 67;

Section 68;

Section 69;

(1) 2005 (c.18)

(2) 1998 (c.31)

Section 72 to the extent that it relates to the paragraphs of Schedule 12 specified below;

Section 73;

In Schedule 10—

paragraphs 1 to 3

paragraphs 4(1) to (3) and (5) to (7)

paragraphs 5 to 7; and

paragraphs 9 to 15;

Schedule 11;

In Schedule 12—

paragraphs 1 to 8;

paragraphs 10 to 13;

paragraph 14 except to the extent that paragraph 14(14) omits paragraph 16(6) of Schedule 7 to the School Standards and Framework Act 1998; and

paragraphs 15 to 16; and

In Schedule 19—

Part 2, except to the extent that it repeals paragraph 16(6) of Schedule 7 to the School Standards and Framework Act 1998.

5. The following provisions of the 2005 Act shall come into force in relation to England only on 1st September 2006—

Section 70;

Section 71;

Section 72 to the extent that it relates to paragraph 9 of Schedule 12; and

In Schedule 12, paragraph 9.

Transitional Provisions and Savings

6. Despite the coming into force of sections 64 to 66 of the Act and the repeal of section 70 of, and Schedule 8 to, the Education Act 2002(3)—

- (a) the provisions of section 28 of the School Standards and Framework Act 1998 shall continue to apply in relation to proposals for the establishment of secondary schools where those proposals have been published before 1 September 2006, and
- (b) the provisions of section 70 of, and Schedule 8 to, the Education Act 2002 Act shall continue to apply in relation to proposals made under section 70 of the 2002 Act where the notice published pursuant to subsection (1) of that section was published before 1 September 2006.

7. Despite the coming into force of section 68 of the Act, that section shall not apply to Wales until the coming into force of regulations made by the National Assembly for Wales under section 24 of the Education Act 2002.

31st July 2006

Beverley Hughes
Minister of State
Department for Education and Skills

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of Part 2 of the Education Act 2005 which deals with school organisation.

Article 3 contains provisions to be commenced in relation to both England and Wales. These provisions contain specific powers to make regulations. Regulations are to be made under these powers before the remaining provisions, contained in Articles 4 to 6 are brought into force.

Article 4 contains provisions to be commenced on 1st September 2006 in relation to both England and Wales. Article 5 contains further provisions to be commenced on 1st September 2006, but only in relation to England.

Articles 6 and 7 contain transitional provisions and savings. The provisions in Article 6 ensure that any proposals to establish new or additional secondary schools that were made before 1st September 2006 are dealt with under the pre-existing legislation. Article 7 makes provision to ensure that, although section 68 will be in force, it will not have effect in Wales until regulations are made by the National Assembly for Wales under section 24 of the Education Act 2002.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of this Act have been brought into force (or come into force at a later date) by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 18	1st September 2005	SI 2005/2034
Sections 19 to 43	1st September 2006	SI 2006/1338 (W.130)
Sections 44 and 45 in relation to England	1st September 2005	SI 2005/2034
Section 46, partially, in relation to England	1st September 2005	SI 2005/2034
Section 47 in relation to England	1st September 2005	SI 2005/2034
Sections 44 to 47 in relation to Wales	1st September 2006	SI 2006/1338 (W.130)
Sections 48 and 49	1st September 2005	SI 2005/2034
Section 50	1st September 2006	SI 2006/1338 (W.130)
Section 51 in relation to England	1st September 2005	SI 2005/2034
Section 51 in relation to Wales	1st September 2006	SI 2006/1338 (W.130)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 52	1st September 2006	SI 2006/1338 (W.130)
Section 53, partially	3rd October 2005	SI 2005/2034
Section 53, partially	1st September 2006	SI 2006/1338 (W.130)
Section 53, partially, in relation to England	3rd October 2005	SI 2005/2034
Section 53, partially, in relation to Wales	1st September 2006	SI 2006/1338 (W.130)
Section 54 in relation to England	1st September 2005	SI 2005/2034
Section 54 in relation to Wales	1st September 2006	SI 2006/1338 (W.130)
Section 55	1st April 2007	SI 2006/1338 (W.130)
Section 56	1st April 2007	SI 2006/1338 (W.130)
Section 57	1st April 2007	SI 2006/1338 (W.130)
Section 58 in relation to England	1st September 2005	SI 2005/2034
Section 59 in relation to England	3rd October 2005	SI 2005/2034
Section 60 in relation to England	1st September 2005	SI 2005/2034
Section 58 to 60 in relation to Wales	1st September 2006	SI 2006/1338 (W.130)
Section 61, partially	1st September 2005	SI 2005/2034
Section 61, partially	1st September 2006	SI 2006/1338 (W.130)
Section 61, partially, in relation to England	1st September 2005	SI 2005/2034
Section 61, partially, in relation to Wales	1st September 2006	SI 2006/1338 (W.130)
Section 71 in relation to Wales	1st September 2006	SI 2006/1338 (W.130)
Section 101, partially	1st November 2005	SI 2005/2034
Section 101, partially, in relation to England	1st November 2005	SI 2005/2034
Sections 103 and 104	1st September 2005	SI 2005/2034
Section 105, partially, in relation to England	1st September 2005	SI 2005/2034
Section 106 in relation to England	3rd October 2005	SI 2005/2034
Sections 105 and 106 in relation to Wales	1st September 2006	SI 2006/1338 (W.130)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 115 and 116 in relation to England	1st September 2005	SI 2005/2034
Sections 115 and 116 in relation to Wales	1st September 2006	SI 2006/1338 (W.130)
Section 117, partially	1st September 2005	SI 2005/2034
Section 117, partially, in relation to England	1st September 2005	SI 2005/2034
Section 117, partially, in relation to England	1st November 2005	SI 2005/2034
Section 117, partially, in relation to Wales	1st September 2006	SI 2006/1338 (W.130)
Section 118 in relation to England	1st September 2005	SI 2005/2034
Section 118 in relation to Wales	1st September 2006	SI 2006/1338 (W.130)
Section 123, partially	1st September 2005	SI 2005/2034
Section 123, partially	1st September 2006	SI 2006/1338 (W.130)
Section 123, partially	1st April 2007	SI 2006/1338 (W.130)
Section 123, partially, in relation to England	1st September 2005	SI 2005/2034
Section 123, partially, in relation to England	3rd October 2005	SI 2005/2034
Section 123, partially, in relation to England	1st November 2005	SI 2005/2034
Section 123, partially, in relation to Wales	1st September 2006	SI 2006/1338 (W.130)
Schedule 1	1st September 2005	SI 2005/2034
Schedule 2	1st September 2006	SI 2006/1338 (W.130)
Schedule 3	1st September 2006	SI 2006/1338 (W.130)
Schedule 4	1st September 2006	SI 2006/1338 (W.130)
Schedule 5 in relation to Wales	1st September 2006	SI 2006/1338 (W.130)
Schedule 5, partially, in relation to England	1st September 2005	SI 2005/2034
Schedule 6	1st September 2006	SI 2006/1338 (W.130)
Schedule 7, partially	1st September 2006	SI 2006/1338 (W.130)
Schedule 7, partially	3rd October 2005	SI 2005/2034

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 7, partially, in relation to Wales	1st September 2006	SI 2006/1338 (W.130)
Schedule 7, partially	1st August 2005	SI 2005/2034
Schedule 7, partially, in relation to England	3rd October 2005	SI 2005/2034
Schedule 8 in relation to England	1st September 2005	SI 2005/2034
Schedule 8 in relation to Wales	1st September 2006	SI 2006/1338 (W.130)
Schedule 9, partially	1st September 2005	SI 2005/2034
Schedule 9, partially	1st September 2006	SI 2006/1338 (W.130)
Schedule 9, partially, in relation to Wales	1st September 2006	SI 2006/1338 (W.130)
Schedule 9, partially, in relation to England	1st September 2005	SI 2005/2034
Schedule 16, paragraph 8	1st November 2005	SI 2005/2034
Schedule 16, paragraphs 1 to 3, paragraph 4 (partially) and paragraphs 5 to 7 in relation to England	1st November 2005	SI 2005/2034
Schedule 18, paragraphs 1, 6 and 15, in relation to England	1st September 2005	SI 2005/2034
Schedule 18, paragraphs 1, 6 and 15, in relation to Wales	1st September 2006	SI 2006/1338 (W.130)
Schedule 18, paragraphs 2 to 4	1st September 2005	SI 2005/2034
Schedule 18, paragraphs 5, 7 to 12 and 14 in relation to England	1st November 2005	SI 2005/2034
Schedule 19, partially	1st September 2005	SI 2005/2034
Schedule 19, partially	1st September 2006	SI 2006/1338 (W.130)
Schedule 19, partially	1st April 2007	SI 2006/1338 (W.130)
Schedule 19, partially, in relation to England	1st September 2005	SI 2005/2034
Schedule 19, partially, in relation to England	3rd October 2005	SI 2005/2034
Schedule 19, partially, in relation to England	1st November 2005	SI 2005/2034
Schedule 19, partially, in relation to Wales	1st September 2006	SI 2006/1338 (W.130)