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STATUTORY INSTRUMENTS

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**2006 No. 3400 (C. 127)**

**EDUCATION, ENGLAND**

The Education and Inspections Act 2006  
(Commencement No. 2) Order 2006

Made - - - - 16th December 2006

The Secretary of State for Education and Skills, in exercise of the powers conferred by sections 181 and 188(3) of the Education and Inspections Act 2006<sup>(1)</sup>, makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Education and Inspections Act 2006 (Commencement No. 2) Order 2006.

(2) In this Order—

“the Act” means the Education and Inspections Act 2006;

“SSFA 1998” means the School Standards and Framework Act 1998<sup>(2)</sup>.

**Provisions coming into force on 8th January 2007**

2. The following provisions of the Act come into force in relation to England on 8th January 2007—

- (a) section 43,
- (b) section 45,
- (c) section 173,
- (d) section 184 to the extent that it relates to the provision set out in paragraph (e), and
- (e) in Schedule 18 (Part 6), the repeal, in the SSFA 1998, in section 89(2), of the word “and” at the end of paragraph (c).

3. The following provisions of the Act come into force on 8th January 2007—

- (a) section 48,
- (b) section 49,
- (c) section 50,

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(1) 2006 c.40.  
(2) 1998 c.31.

- (d) section 51,
- (e) section 54(1), (2) and (3)(b),
- (f) section 163,
- (g) section 184 to the extent that it relates to the provision set out in paragraph (h), and
- (h) in Schedule 18 (Part 6), the repeal in the SSFA 1998, in section 89(1A), of the words “(within the meaning of section 22 of the Children Act 1989)”.

#### **Provisions coming into force on 8th February 2007**

4. The following provisions of the Act come into force in relation to England on 8th February 2007—

- (a) section 57,
- (b) section 184 to the extent that it relates to the provision set out in paragraph (d),
- (c) Schedule 5,
- (d) in Schedule 18 (Part 6), the repeal in the SSFA 1998—
  - in section 17(6), of the words from “but” onwards,
  - of section 47A(6),
  - in section 48(4), of the words from “the approval” to “and for”,
  - in Schedule 14, of paragraph 1(1) to (6), and
  - in Schedule 15, of paragraphs 1(4) and (6), 2(5) and 3.

5. Section 5 of the Act comes into force on 8th February 2007—

- (a) in relation to secondary schools<sup>(3)</sup> which are not special schools<sup>(4)</sup>, and
- (b) in relation to primary schools<sup>(5)</sup> which are not special schools, only in relation to the local education authorities listed in the Schedule.

#### **Provisions coming into force on 27th February 2007**

6. The following provisions of the Act come into force in relation to England on 27th February 2007—

- (a) section 4,
- (b) section 39,
- (c) section 44,
- (d) section 47,
- (e) section 53,
- (f) section 184 to the extent that it relates to the provision set out in paragraph (g), and
- (g) in Schedule 18 (Part 6), the repeal—
  - in the Education Act 1996, in section 437(8), of the definition of “suitable education”,
  - in the SSFA 1998, of sections 90(6), (7) and (10), and 99(1).

7. The following provisions of the Act come into force on 27th February 2007—

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(3) Within the meaning of section 5(2) of the Education Act 1996 (c.56).  
(4) Within the meaning of section 6(2) of the Education Act 1996.  
(5) Within the meaning of section 5(1) of the Education Act 1996.

- (a) section 41,
- (b) section 42,
- (c) section 46,
- (d) section 184 to the extent that it relates to the provision set out in paragraph (e), and
- (e) in Schedule 18 (Part 6), the repeal in the SSFA 1998, in section 85A, in subsection (1) of the word “and” at the end of paragraph (a), and in subsection (3) of the word “and” at the end of paragraph (b).

16th December 2006

*Jim Knight*  
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.

SCHEDULE

Article 5(b)

Application of section 5 of the Act in relation to primary schools which are not special schools

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London Borough of Barnet Council  
Blackburn with Darwen Borough Council  
Buckinghamshire County Council  
Dorset County Council  
East Sussex County Council  
London Borough of Enfield Council  
Halton Borough Council  
Hampshire County Council  
London Borough of Haringey Council  
The Royal Borough of Kingston upon Thames Council  
Lincolnshire County Council  
Luton Borough Council  
Manchester City Council  
London Borough of Merton Council  
Newcastle upon Tyne City Council  
North Tyneside Council  
Northamptonshire County Council  
Oldham Metropolitan Borough Council  
Plymouth City Council  
London Borough of Redbridge Council  
Rochdale Metropolitan Borough Council  
Rutland County Council  
Sandwell Metropolitan Borough Council  
Somerset County Council  
Southend-on-Sea Borough Council  
South Gloucestershire Council  
Surrey County Council  
Walsall Council  
West Sussex County Council  
City of York Council

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## EXPLANATORY NOTE

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

This Order is the second commencement order made under the Education and Inspections Act 2006. Articles 2 to 7 contain the provisions of the Act to be commenced. Articles 2, 4 and 6 list those provisions which are commenced in relation to England only.

Section 4 sets out a new duty for local education authorities to make arrangements to enable them to identify children not receiving education and is commenced in relation to England only.

Section 5 sets out a new duty for local education authorities in England to appoint a school improvement partner in relation to each maintained school which they maintain. It is commenced in relation to all secondary schools in all authorities. In relation to primary schools it is commenced only in relation to certain authorities listed in the Schedule.

Sections 41 to 51, 53 to 54 and 163 make amendments to the SSFA 1998 in respect of school admissions. Section 39 re-states the restriction on selection by ability.

Section 57 and Schedule 5 to the Act make amendments to Chapter 4 of Part 2 of the SSFA 1998 (financing of maintained schools). The effect of these amendments together with the repeals in Schedule 18 (Part 6) is as follows: the right of appeal to the Secretary of State against suspension of a maintained school's right to a delegated budget is repealed; there is provision for regulations to specify the date upon which new schools must have a delegated budget, and for a schools forum or the Secretary of State to vary that date; regulations may enable a school's forum to approve a local education authority's revisions to their financial scheme, with recourse to the Secretary of State only where agreement cannot be reached locally; and the Secretary of State may no longer remove non-schools members from school forums.

Section 173 imposes a new duty on governing bodies to designate a staff member as the special educational needs co-ordinator.

## NOTE AS TO EARLIER COMMENCEMENT ORDER

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

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

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 40 in relation to England	12th December 2006	<a href="#">SI 2006/2990</a>
Section 112 (1) to (3)	12th December 2006	<a href="#">SI 2006/2990</a>
Section 112 (4), partially	12th December 2006	<a href="#">SI 2006/2990</a>
Section 116 (1) (a) and (b)	12th December 2006	<a href="#">SI 2006/2990</a>
Section 117	12th December 2006	<a href="#">SI 2006/2990</a>
Section 158, partially	12th December 2006	<a href="#">SI 2006/2990</a>
Section 159	12th December 2006	<a href="#">SI 2006/2990</a>

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<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 184, partially	12th December 2006	<a href="#">SI 2006/2990</a>
Schedule 11, partially	12th December 2006	<a href="#">SI 2006/2990</a>
Schedule 15, partially	12th December 2006	<a href="#">SI 2006/2990</a>
Schedule 18, partially	12th December 2006	<a href="#">SI 2006/2990</a>