
STATUTORY INSTRUMENTS

2009 No. 1513 (C. 78)

EDUCATION, ENGLAND AND WALES

**The Education and Skills Act 2008
(Commencement No. 3) Order 2009**

Made - - - - *18th June 2009*

The Secretary of State for Children, Schools and Families makes the following Order in exercise of the powers conferred by section 173 of the Education and Skills Act 2008⁽¹⁾:

Citation and interpretation

1.—(1) This Order may be cited as the Education and Skills Act 2008 (Commencement No. 3) Order 2009.

(2) In this Order “the Act” means the Education and Skills Act 2008.

Provisions coming into force on 19th June 2009

2.—(1) Section 86 of the Act (learning aims for persons aged 19 and over) comes into force on 19th June 2009 for the purposes of exercising any power to make subordinate legislation conferred by section 4A, 4B or 4C of, or Schedule 1A to, the Learning and Skills Act 2000⁽²⁾.

(2) Chapter 1 of Part 4 of the Act (regulation and inspection of independent educational institutions in England) comes into force on 19th June 2009 for the purposes of making regulations.

Provisions coming into force on 1st September 2009

3. The following provisions of the Act come into force on 1st September 2009—
section 81 (careers education: information and advice);
section 146 (abolition of requirement of approval for independent schools: England);
section 147 (approval of independent schools: consequential amendments);
section 148 (approval of independent schools: transitional provision);
Schedule 2 (repeals and revocations) so far as it repeals the words in section 349(1) of the Education Act 1996⁽³⁾, and section 169(2) so far as it relates to that repeal.

(1) 2008 c.25.

(2) 2000 c.21; sections 4A, 4B and 4C and Schedule 1A are inserted by section 86 of the Education and Skills Act 2008.

(3) 1996 c.56.

Status: This is the original version (as it was originally made).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

18th June 2009

Diana Johnson
Parliamentary Under Secretary of State
Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Order)

This is the third commencement order made under the Education and Skills Act 2008 (“the Act”) by the Secretary of State.

Article 2(1) commences, on 19th June 2009, section 86 of the Act (learning aims for persons aged 19 and over) for the purposes of exercising the powers to make subordinate legislation in provisions inserted into the Learning and Skills Act 2000 by that section. On the same date article 2(2) commences Chapter 1 of Part 4 of the Act (regulation and inspection of independent educational institutions in England) for the purposes of making regulations.

Article 3 commences, on 1st September 2009, section 81 of the Act (careers education: information and advice). Section 81 amends Part 7 of the Education Act 1997 (“the 1997 Act”), which requires maintained secondary schools to provide all pupils with a programme of careers education and appropriate information, and up-to-date reference materials related to career options. Section 81 amends sections 43 and 45 of the 1997 Act to require such secondary schools to present careers material in an impartial manner and to present a full range of learning and career options. It also inserts section 45A, which contains a duty on schools to which the duties apply to have regard to guidance given by the Secretary of State from time to time.

Article 3 also commences sections of the Act which make amendments to provisions in the Education Act 1996 (“the 1996 Act”) about independent schools providing special education. Section 146 of the Act amends the 1996 Act to abolish the requirement for independent schools in England to be approved by the Secretary of State for the placement of a child with a statement of special educational needs. It also removes the requirement for local education authorities in England to obtain the Secretary of State’s consent to place a pupil with such a statement in an independent school which has not been approved by the Secretary of State. Section 147 makes consequential amendments (note also the repeal made by section 169(2) and Schedule 2), and section 148 contains transitional provisions.

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 in England by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 68 to 78	26th January 2009	2008/3077
Section 79 (partially)	26th January 2009	2008/3077
Section 82	28th February 2009	2009/387
Sections 83 and 84	7th March 2009	2009/387
Section 85	28th February 2009	2009/387
Sections 87 to 91	26th January 2009	2008/3077
Section 150	26th January 2009	2008/3077

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 151 (partially)	2nd December 2008	2008/3077
Section 151 (remainder)	26th January 2009	2008/3077
Sections 152 and 153	26th January 2009	2008/3077
Section 159	28th February 2009	2009/387
Section 161(1), (2), (3)(a) and (5) to (9)	28th February 2009	2009/387
Section 165	26th January 2009	2008/3077
Section 169(1) (partially)	2nd December 2008 and 26th January 2009	2008/3077
Section 169(2) (partially)	2nd December 2008 and 26th January 2009	2008/3077
Schedule 1, paragraphs 53 (partially), 54(5) to (7), 57, 58, 61 to 64 and 68 to 73	2nd December 2008	2008/3077
Schedule 1, paragraphs 44 to 47, 53 (remainder), 54 (remainder), 55, 56, 59, 60, 65 to 67, 78, 81 to 85 and 89	26th January 2009	2008/3077
Schedule 2 (partially)	2nd December 2008 and 26th January 2009	2008/3077