

2010 No. 1093 (C. 71)

EDUCATION, ENGLAND AND WALES

**The Education and Skills Act 2008 (Commencement No. 6)
Order 2010**

Made - - - -

29th March 2010

The Secretary of State for Children, Schools and Families makes the following Order in exercise of the powers conferred by section 173(4) and (8) of the Education and Skills Act 2008^(a):

Citation

1. This Order may be cited as the Education and Skills Act 2008 (Commencement No. 6) Order 2010.

Provisions coming into force on 30th March 2010

2. The following provisions of the Education and Skills Act 2008 come into force on 30th March 2010—

- (a) sections 142 (non-maintained special schools in England: interpretation), 143 (non-maintained special schools in England: right of sixth-form pupils to opt out of religious worship), 144 (non-maintained special schools in England: protection of pupils in an emergency) and 145 (non-maintained special schools in England: appeals);
- (b) paragraph 74 of Schedule 1 (minor and consequential amendments: Welfare Reform and Pensions Act 1999^(b)) and section 169(1) so far as relates to that paragraph;
- (c) schedule 2 (repeals and revocations) so far as it repeals the word ‘his’ in section 342(1) of the Education Act 1996 and section 169(2) so far as it relates to that repeal; and
- (d) section 154 (power of governing body in England: educational provision for improving behaviour) for the purpose of making regulations.

Provisions coming into force on 1st September 2010

3. Section 154 of the Education and Skills Act 2008, so far as not already in force, comes into force on 1st September 2010.

29th March 2010

Vernon Coaker
Minister of State
Department for Children, Schools and Families

(a) 2008 c.25.
(b) 1999 c.30.

EXPLANATORY NOTE

(This note is not part of the Order)

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

Article 2 commences, on 30th March 2010, sections 142, 144 and 145 of the Act; paragraph 74 of Schedule 1 to the Act; Schedule 2 to the Act so far as it repeals the word ‘his’ in section 342(1) of the Education Act 1996 and section 169(2) so far as it relates to that repeal; and section 154 of the Act for the purpose of making regulations.

Section 142 changes the definition of special schools in section 337 of the Education Act 1996^(a) (“the 1996 Act”) and amends section 342 of that Act to provide that non-maintained special schools in Wales are approved by Welsh Ministers. Non-maintained special schools in England continue to be approved by the Secretary of State.

Sections 143, 144 and 145 apply to non-maintained special schools in England.

Section 143 amends section 342 of the 1996 Act to provide that regulations must make provision for securing that, so far as is practicable, all pupils attending non-maintained special schools receive religious education and attend religious worship. Regulations must also make provision enabling pupils to be withdrawn from religious education and collective worship in accordance with the wishes of their parents, and for sixth-form pupils to withdraw from collective worship.

Sections 144 and 145 insert new sections 342A, 342B and 342C into the 1996 Act. These enable provision to be made in regulations for applications by the Secretary of State to a justice of the peace in urgent cases for an order that a non-maintained special school cease to be approved, and for an appeal to the First-tier Tribunal by the proprietor of a non-maintained special school against a decision by the Secretary of State or an Order by a Justice of the Peace that a non-maintained special school cease to be approved.

Paragraph 74 of Schedule 1 amends section 72(2) of the Welfare Reform Act 1999 to enable a county council in England to provide social security information to the Secretary of State.

Support services for participation in education or training for young people (“Connexions” services) are now provided by local authorities (or by persons with whom local authorities have entered into arrangements) under Part 2 of the Act. One consequence of this is that, where a county council is a single tier authority, a county council may be obliged to make Connexions services available.

Connexions providers obtain certain social security information in the course of exercising certain social security functions, conferred under other legislation. Social security information can pass between the Secretary of State and Connexions providers under regulations made under section 72 of the Welfare Reform and Pensions Act 1999. However, information may only be passed by persons within subsection (2).

Section 154 applies to maintained schools in England. It inserts a new section 29A into the Education Act 2002. Section 29A enables a governing body of a maintained school to require a pupil to attend a place outside the school premises for the purpose of receiving educational provision to improve their behaviour. The section is commenced for the purpose of making regulations relating to the exercise of the power.

Article 3 commences, on 1st September 2010, the remainder of section 154 of the Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

(a) 1996 c.56.

The following provisions of the Act have been or will be 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 79 (remainder)	12th January 2010	2009/3316
Section 81	1st September 2009	2009/1513
Section 82	28th February 2009	2009/387
Sections 83 and 84	7th March 2009	2009/387
Section 85	28th February 2009	2009/387
Section 86 (partially)	19th June 2009	2009/1513
Section 86 (remainder)	1st August 2009	2009/1606
Sections 87 to 91	26th January 2009	2008/3077
Section 92 (partially)	19th June 2009	2009/1513
Section 92 (partially)	1st September 2009	2009/1606
Section 93	1st September 2009	2009/1606
Section 94 (partially)	19th June 2009	2009/1513
Section 98 (partially)	19th June 2009	2009/1513
Section 106 (partially)	19th June 2009	2009/1513
Section 108 (partially)	19th June 2009	2009/1513
Section 111 (partially)	19th June 2009	2009/1513
Section 111 (remainder)	1st September 2009	2009/1606
Section 112 (partially)	1st September 2009	2009/1606
Section 117 (partially)	12th October 2009	2009/1606
Section 119 (partially)	19th June 2009	2009/1513
Section 119 (remainder)	12th October 2009	2009/1606
Section 123 (partially)	19th June 2009	2009/1513
Section 124 (partially)	12th October 2009	2009/1606
Section 127	12th October 2009	2009/1606
Section 128 (partially)	19th June 2009	2009/1513
Section 129 (partially)	19th June 2009	2009/1513
Section 132 (partially)	19th June 2009	2009/1513
Section 133 (partially)	19th June 2009	2009/1513
Sections 134 to 136	12th October 2009	2009/1606
Section 137	1st September 2009	2009/1606
Section 138 (partially)	1st September 2009	2009/1606
Section 138 (partially)	12th October 2009	2009/1606
Section 140 (partially)	19th June 2009	2009/1513
Section 140 (partially)	1st September 2009	2009/1606
Section 141 (partially)	19th June 2009	2009/1513
Section 146	1st September 2009	2009/1513
Section 147	1st September 2009	2009/1513
Section 148	1st September 2009	2009/1513
Section 150	26th January 2009	2008/3077
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(1) (partially)	1st September 2009	2009/1606
Section 169(2) (partially)	2nd December 2008 and 26th January 2009	2008/3077
Section 169(2) (partially)	1st September 2009	2009/1513
Section 169(2) (partially)	1st September 2009	2009/1606
Schedule 1, paragraphs 13 and 18 (partially)	1st September 2009	2009/1606
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)	26th January 2009	2008/3077
Schedule 2 (partially)	1st September 2009	2009/1513
Schedule 2 (partially)	1st September 2009	2009/1606

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