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STATUTORY INSTRUMENTS

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**2010 No. 2906 (C. 129)**

**EDUCATION, ENGLAND AND WALES**

**The Education and Skills Act 2008 (Commencement  
No. 7 and Transitory Provisions) Order 2010**

*Made - - - - 7th December 2010*

The Secretary of State for Education makes the following Order in exercise of the powers conferred by section 173(4) and (8) of the Education and Skills Act 2008<sup>(1)</sup>:

**Citation and interpretation**

1.—(1) This Order may be cited as the Education and Skills Act 2008 (Commencement No. 7 and Transitory Provisions) Order 2010.

(2) In this Order—

“the 2002 Act” means the Education Act 2002<sup>(2)</sup>; and

“the 2008 Act” means the Education and Skills Act 2008.

**Provisions coming into force on 1st January 2011**

2. The following provisions of the 2008 Act come into force on 1st January 2011—

- (a) section 98 (applications for registration) so far as not already in force;
- (b) section 99 (determination of applications for registration) so far as not already in force;
- (c) section 123 (provision of information by proprietors) so far as not already in force;
- (d) section 124 (appeal by proprietor against decision of Secretary of State to deregister), for the purposes of appeals to the Tribunal against a decision of the Secretary of State to remove an institution from the register by virtue of section 123;
- (e) section 138(1) (interpretation of Chapter 1 of Part 4) so far as not already in force and so far as necessary for the interpretation of provisions brought into force by this article or made under such provisions.

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(1) 2008 c. 25.

(2) 2002 c. 32.

**Transitory provisions in connection with the commencement of sections 98, 99, 123 and 124 of the 2008 Act**

3.—(1) Until the coming into force of section 95(1) of the 2008 Act (register of independent educational institutions for England) for all purposes, the provisions of the 2008 Act referred to in paragraphs (2) and (3) have effect subject to the modifications set out in those paragraphs.

(2) Sections 98(1), 99(3) and (5)(b), 123(1) and (5) and 124(1) of the 2008 Act have effect as if references in each of them to a proprietor of a registered independent educational institution were references to a proprietor of an independent school entered in the register referred to in section 158(1)(a) of the 2002 Act.

(3) Section 138(1) of the 2008 Act has effect as if the reference in the definition of “the register” to the register of independent educational institutions in England kept by the Secretary of State under section 95 of the 2008 Act were a reference to the register of independent schools in England referred to in section 158(1)(a) of the 2002 Act.

7th December 2010

*Nick Gibb*  
Minister of State  
Department for Education

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## EXPLANATORY NOTE

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

This is the seventh commencement order made under the Education and Skills Act 2008 (“the 2008 Act”).

Article 2 brings into force on 1st January 2011 the following provisions of Chapter 1 of Part 4 of the 2008 Act (regulation and inspection of independent educational provision in England) for the purposes set out in article 2—

- (a) section 98 (applications for registration of an independent educational institution in England) and section 99 (determinations of such applications);
- (b) section 123 (provision of information by proprietors of such institutions) and section 124 (appeals against decisions made by the Secretary of State to deregister such an institution for failing to provide information); and
- (c) section 138(1) (interpretation).

Article 3 contains transitory provisions which will have effect until section 95(1) of the 2008 Act (register of independent educational institutions) is brought into force for all purposes. Until that time the definition of “the register” in section 138(1) of the 2008 Act is modified to refer to the register of independent schools referred to in section 158(1)(a) of the Education Act 2002. References in sections 98, 99, 123 and 124 of the 2008 Act to the proprietor of a registered independent educational institution are modified to refer to the proprietor of a registered independent school.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

| <i>Provision</i>       | <i>Date of Commencement</i> | <i>S.I. No.</i>           |
|------------------------|-----------------------------|---------------------------|
| Sections 68 to 78      | 26th January 2009           | <a href="#">2008/3077</a> |
| Section 79 (partially) | 26th January 2009           | <a href="#">2008/3077</a> |
| Section 79 (partially) | 12th January 2010           | <a href="#">2009/3316</a> |
| Section 81             | 1st September 2009          | <a href="#">2009/1513</a> |
| Section 82             | 28th February 2009          | <a href="#">2009/387</a>  |
| Sections 83 and 84     | 7th March 2009              | <a href="#">2009/387</a>  |
| Section 85             | 28th February 2009          | <a href="#">2009/387</a>  |
| Section 86 (partially) | 19th June 2009              | <a href="#">2009/1513</a> |
| Section 86 (remainder) | 1st August 2009             | <a href="#">2009/1606</a> |
| Sections 87 to 91      | 26th January 2009           | <a href="#">2008/3077</a> |
| Section 92 (partially) | 19th June 2009              | <a href="#">2009/1513</a> |
| Section 92 (partially) | 1st September 2009          | <a href="#">2009/1606</a> |
| Section 93             | 1st September 2009          | <a href="#">2009/1606</a> |

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| <i>Provision</i>                | <i>Date of Commencement</i> | <i>S.I. No.</i>           |
|---------------------------------|-----------------------------|---------------------------|
| Sections 94 to 110 (partially)  | 19th June 2009              | <a href="#">2009/1513</a> |
| Section 111 (partially)         | 19th June 2009              | <a href="#">2009/1513</a> |
| Section 111 (remainder)         | 1st September 2009          | <a href="#">2009/1606</a> |
| Section 112 (partially)         | 1st September 2009          | <a href="#">2009/1606</a> |
| Sections 113 to 116             | 19th June 2009              | <a href="#">2009/1513</a> |
| Section 117 (partially)         | 12th October 2009           | <a href="#">2009/1606</a> |
| Section 118 (partially)         | 19th June 2009              | <a href="#">2009/1513</a> |
| Section 119 (partially)         | 19th June 2009              | <a href="#">2009/1513</a> |
| Section 119 (remainder)         | 12th October 2009           | <a href="#">2009/1606</a> |
| Sections 120 to 123 (partially) | 19th June 2009              | <a href="#">2009/1513</a> |
| Section 124 (partially)         | 12th October 2009           | <a href="#">2009/1606</a> |
| Sections 125 and 126            | 19th June 2009              | <a href="#">2009/1513</a> |
| Section 127                     | 12th October 2009           | <a href="#">2009/1606</a> |
| Sections 128 to 133 (partially) | 19th June 2009              | <a href="#">2009/1513</a> |
| Sections 134 to 136 (partially) | 19th June 2009              | <a href="#">2009/1513</a> |
| Sections 134 to 136             | 12th October 2009           | <a href="#">2009/1606</a> |
| Section 137                     | 1st September 2009          | <a href="#">2009/1606</a> |
| Section 138 (partially)         | 1st September 2009          | <a href="#">2009/1606</a> |
| Section 138 (partially)         | 12th October 2009           | <a href="#">2009/1606</a> |
| Section 139 (partially)         | 19th June 2009              | <a href="#">2009/1513</a> |
| Section 140 (partially)         | 19th June 2009              | <a href="#">2009/1513</a> |
| Section 140 (partially)         | 1st September 2009          | <a href="#">2009/1606</a> |
| Section 141 (partially)         | 19th June 2009              | <a href="#">2009/1513</a> |
| Section 142                     | 30th March 2010             | <a href="#">2010/1093</a> |
| Section 143                     | 30th March 2010             | <a href="#">2010/1093</a> |
| Section 144                     | 30th March 2010             | <a href="#">2010/1093</a> |
| Section 145                     | 30th March 2010             | <a href="#">2010/1093</a> |
| Section 146                     | 1st September 2009          | <a href="#">2009/1513</a> |
| Section 147                     | 1st September 2009          | <a href="#">2009/1513</a> |
| Section 148                     | 1st September 2009          | <a href="#">2009/1513</a> |
| Section 150                     | 26th January 2009           | <a href="#">2008/3077</a> |
| Section 151 (partially)         | 2nd December 2008           | <a href="#">2008/3077</a> |
| Section 151 (remainder)         | 26th January 2009           | <a href="#">2008/3077</a> |

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| <i>Provision</i>   | <i>Date of Commencement</i>             | <i>S.I. No.</i>           |
|--|---|---------------------------|
| Sections 152 and 153   | 26th January 2009                       | <a href="#">2008/3077</a> |
| Section 154 (partially)  | 30th March 2010                         | <a href="#">2010/1093</a> |
| Section 154 (remainder)  | 1st September 2010                      | <a href="#">2010/1093</a> |
| Section 159  | 28th February 2009                      | <a href="#">2009/387</a>  |
| Section 161(1), (2), (3)(a) and (5) to (9)   | 28th February 2009                      | <a href="#">2009/387</a>  |
| Section 162(1), (2), (3)(a) and (b) and (4) to (10)  | 31st March 2009                         | <a href="#">2009/784</a>  |
| Section 162(3)(c)  | 31st October 2009                       | <a href="#">2009/784</a>  |
| Section 165  | 26th January 2009                       | <a href="#">2008/3077</a> |
| Section 169(1) (partially)   | 2nd December 2008 and 26th January 2009 | <a href="#">2008/3077</a> |
| Section 169(1) (partially)   | 1st September 2009                      | <a href="#">2009/1606</a> |
| Section 169(1) (partially)   | 30th March 2010                         | <a href="#">2010/1093</a> |
| Section 169(2) (partially)   | 2nd December 2008 and 26th January 2009 | <a href="#">2008/3077</a> |
| Section 169(2) (partially)   | 1st September 2009                      | <a href="#">2009/1513</a> |
| Section 169(2) (partially)   | 1st September 2009                      | <a href="#">2009/1606</a> |
| Section 169(2) (partially)   | 30th March 2010                         | <a href="#">2010/1093</a> |
| Schedule 1, paragraphs 13 and 18 (partially)   | 1st September 2009                      | <a href="#">2009/1606</a> |
| Schedule 1, paragraphs 53 (partially), 54(5) to (7), 57, 58, 61 to 64 and 68 to 73                             | 2nd December 2008                       | <a href="#">2008/3077</a> |
| 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                       | <a href="#">2008/3077</a> |
| Schedule 1, paragraph 74   | 30th March 2010                         | <a href="#">2010/1093</a> |
| Schedule 2 (partially)   | 26th January 2009                       | <a href="#">2008/3077</a> |
| Schedule 2 (partially)   | 1st September 2009                      | <a href="#">2009/1513</a> |
| Schedule 2 (partially)   | 1st September 2009                      | <a href="#">2009/1606</a> |
| Schedule 2 (partially)   | 30th March 2010                         | <a href="#">2010/1093</a> |