

2016 No. 466 (C. 27)

EDUCATION, ENGLAND AND WALES

**The Education and Adoption Act 2016 (Commencement,
Transitional Provisions and Savings) Regulations 2016**

Made - - - -

29th March 2016

The Secretary of State, in exercise of the powers conferred by sections 17(1) and 19(2) of the Education and Adoption Act 2016^(a) and section 104 of the Deregulation Act 2015^(b), makes the following Regulations:

Citation and interpretation

1.—(1) These Regulations may be cited as the Education and Adoption Act 2016 (Commencement, Transitional Provisions and Savings) Regulations 2016.

(2) In these Regulations—

“the Act” means the Education and Adoption Act 2016;

“the EIA 2006” means the Education and Inspections Act 2006^(c);

“the AA 2010” means the Academies Act 2010^(d).

Provisions coming into force on 18th April 2016

2. Sections 2 to 14 of the Act come into force on 18th April 2016.

Amendment of sections 2C and 2D of the Academies Act 2010

3.—(1) In section 2C(2) of the AA 2010^(e), for “the day on which section 14 of the Education and Adoption Act 2016 comes into force”, substitute “18 April 2016”.

(2) In section 2D(6) of the AA 2010^(f), for “the day on which section 14 of the Education and Adoption Act 2016 comes into force”, substitute “18 April 2016”.

Warning notices given before 18th April 2016

4.—(1) The amendments made to the EIA 2006 by section 2 of the Act do not apply in a case where, before 18th April 2016—

(a) a local authority has given a governing body a warning notice under section 60 of the EIA 2006^(g); and

(a) 2016 c 6.

(b) 2015 c. 20.

(c) 2006 c. 40.

(d) 2010 c. 32.

(e) Section 2C was inserted by section 14 of the Education and Adoption Act 2016 (c.6).

(f) Section 2D was inserted by section 14 of the Education and Adoption Act 2016 (c.6).

(g) Section 60 was amended by SI 2010/1158.

(b) the compliance period under section 60(10) of the EIA 2006 has not expired.

(2) The amendments made to the EIA 2006 by section 3 of the Act do not apply in a case where, before 18th April 2016—

(a) a local authority has given a governing body a warning notice under section 60A(a) of the EIA 2006; and

(b) the compliance period under section 60A(10) of the EIA 2006 has not expired.

Schools scheduled to close

5. The amendments made to the AA 2010 by section 7 of the Act do not apply in the case of a school in respect of which, before 18th April 2016 —

(a) a local authority or a governing body has published a proposal to discontinue under section 15 of the EIA 2006(b); and

(b) the proposal to discontinue falls to be implemented under paragraph 21 of Schedule 2 to the EIA 2006.

John Nash

Parliamentary Under Secretary of State
Department for Education

29th March 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force on 18th April 2016 all of the provisions of the Education and Adoption Act 2016, except for section 1 (which provides for coasting maintained schools to be eligible for intervention), section 15 (which deals with local authority adoption functions) and section 16 (which makes consequential repeals).

Regulation 3 amends the Academies Act 2010 so that the references to section 14 of the Education and Adoption Act coming into force are replaced with the actual date on which it comes into force. The power to do this is in section 104 of the Deregulation Act 2015.

Regulation 4 provides that the old law will continue to apply where a local authority has given either a performance standards and safety warning notice or a teachers' pay and conditions warning notice before 18th April and an appeal could be or has been made against the warning notice.

Regulation 5 provides that the Secretary of State does not have to make an Academy order for schools which are scheduled to close after 18th April 2016, following completion of the procedure for school closure set out in the Education and Inspections Act 2006.

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(a) Section 60A was inserted by the Apprenticeships, Skills, Children and Learning Act 2009 (c.22), schedule 13, paragraphs 1 and 4. Section 60A was amended by SI 2010/1158.

(b) Section 15 was amended by SI 2010/1158.

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