

1986 No. 2203 (c.87)

EDUCATION, ENGLAND AND WALES
EDUCATION, SCOTLAND
EDUCATION, NORTHERN IRELAND**The Education (No. 2) Act 1986 (Commencement No. 1) Order 1986**

Made - - - - - 10th December 1986

In exercise of the powers conferred on the Secretary of State by section 66 of the Education (No. 2) Act 1986(a), I hereby make the following Order:—

Citation

1. This Order may be cited as the Education (No. 2) Act 1986 (Commencement No. 1) Order 1986.

Interpretation

2. In this Order—

“the Act” means the Education (No. 2) Act 1986; and

“the 1980 Act” means the Education Act 1980(b).

Coming into force of certain provisions of the Act

3. The provisions of the Act specified in column 1 of Schedule 1 to this Order (which relate to the matters mentioned in column 2 thereof) shall come into force on 7th January 1987, and the provisions of the Act specified in column 1 of Schedule 2 to this Order (which relate to the matters mentioned in column 2 thereof) shall come into force on 1st April 1987.

Transitional provisions

4. The transitional provisions contained in Schedule 3 to this Order shall have effect in connection with the provisions brought into force by this Order which are referred to in that Schedule.

(a) 1986 c. 61.

(b) 1980 c. 20.

SCHEDULE 1

PROVISIONS COMING INTO FORCE ON 7TH JANUARY 1987

Provisions of the Act	Subject matter of provisions
Section 17	Curriculum: duty of local education authority to state policy
Section 30	Governors' annual report to parents
Section 31	Annual parents' meetings
Section 33	Admissions
Section 44	Political indoctrination
Section 45	Duty to secure balanced treatment of political issues
Section 46	Sex education
Section 47(11)	Abolition of corporal punishment: Northern Ireland
Section 50	Grants for teacher training, etc.
Section 51	Recoupment
Section 52	Recoupment: cross border provision
Section 53	School transport
Section 56	Reports to Secretary of State
Section 67(4), so far as it relates to paragraphs 5 and 7 of Schedule 4 to the Act	Short title etc.
Section 67(6), so far as it relates to the repeals and revocation set out in the Appendix to this Schedule	Short title etc.
Schedule 4, paragraphs 5 and 7	Consequential amendments
Schedule 6, so far as it relates to the repeals and revocation set out in the Appendix to this Schedule	Repeals

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APPENDIX TO SCHEDULE 1

PART I

REPEALS TAKING EFFECT FROM 7TH JANUARY 1987

Chapter	Short title	Extent of repeal
1944 c. 31	The Education Act 1944	Section 4 Section 5 In section 67(2), the words from "or whether" to "another"
1963 c. 33	The London Government Act 1963	In section 31, subsection (7)(a)
1980 c. 20	The Education Act 1980	Section 31 Section 32 Schedule 6
1980 c. 44	The Education (Scotland) Act 1980	Section 23(5) to (7)
1980 c. 65	The Local Government, Planning and Land Act 1980	Section 68(5)

PART II

REVOCATION TAKING EFFECT FROM 7TH JANUARY 1987

Number	Name of Instrument	Extent of revocation
S.I. 1970/1536	The Transfer of Functions (Wales) Order 1970	Article 4

SCHEDULE 2

PROVISIONS COMING INTO FORCE ON 1ST APRIL 1987

Provisions of the Act	Subject matter of provisions
Section 54	Change of status of controlled school to aided school
Section 55	Compensation payable by governing body on change from controlled to aided status
Section 67(4), so far as it relates to para- graph 1 of Schedule 4	Short title etc.
Schedule 4, paragraph 1	Consequential amendments

SCHEDULE 3

TRANSITIONAL PROVISIONS

1.—(1) This paragraph applies in relation to every county, voluntary and maintained special school.

(2) Sub-paragraph (3) below shall cease to apply in relation to such a school on the date upon which, following the coming into force of section 1 of the Act, there come into force, in relation to the school, articles of government made under that section.

(3) During such time as this sub-paragraph applies in relation to a school—

(a) the requirements contained in sections 30 and 31 of the Act shall have effect, in relation to the school, as though they were requirements imposed directly by those sections, instead of requirements to be imposed under the articles of government for the school; and

(b) section 30 of the Act shall have effect, in relation to the school, as though it included provisions corresponding to those contained in paragraph 4 of Schedule 1 to the Act, and section 31 of the Act shall have effect, in relation to the school, as though it included provisions corresponding to those contained in paragraph 5 of that Schedule; references in those paragraphs to a “group” being taken to refer to two or more schools grouped under section 3 of the 1980 Act, and references to a “grouped school” to a school which forms part of a group.

(4) Paragraph (a) of section 30(1) of the Act shall have effect, in relation to the first report to parents prepared by the governing body of a school pursuant to that section, as though there were substituted for the words “their last report” the words “7th January 1987”.

2. The coming into force on 7th January 1987 of section 33 of the Act does not apply in relation to arrangements for the admission of pupils to a school, if the arrangements are concerned with admissions to the school prior to the first day of the school’s autumn term in 1988.

3.—(1) This paragraph shall have effect until the date upon which the repeal of section 31(8) of the London Government Act 1963(a) is brought into force.

(2) Section 51(12) of the Act shall have effect as though there were added to the end of that subsection the words “in its application to county and voluntary schools”.

Kenneth Baker,
One of Her Majesty’s Principal
Secretaries of State.

10th December 1986.

(a) 1963 c. 33.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force certain provisions of the Education (No. 2) Act 1986. The provisions specified in Schedule 1 to the Order are brought into force on 7th January 1987, subject to certain transitional provisions which are set out in Schedule 3 to the Order. Those specified in Schedule 2 to the Order are brought into force on 1st April 1987.

Paragraph 1 of Schedule 3 to the Order (which applies to county, voluntary and maintained special schools) prevents the bringing into force by the Order of sections 30 and 31 of the Act from operating so as to require the provisions of those sections to be incorporated in articles of government for a school, until (following the bringing into force of section 1 of the Act) new articles of government are made for the school. Pending the making of new articles of government for the school, those sections are to be construed, in relation to the school, as though the requirements for annual reports to parents and annual parents' meetings were direct statutory requirements, instead of requirements to be imposed on governing bodies under articles of government. Paragraph 1 also provides for sections 30 and 31 to be construed as though they included the provisions applicable to grouped schools contained in paragraphs 4 and 5 of Schedule 1 to the Act. Sub-paragraph (4) of paragraph 1 of Schedule 3 makes a minor adaptation to the provisions of section 30 of the Act so that the first annual report to parents prepared by the governing body of a school under that section will cover the period from 7th January 1987.

By virtue of paragraph 2 of Schedule 3, section 33 of the Act (which concerns the admission of pupils to county and voluntary schools), though brought into force, does not apply in relation to arrangements for the admission of pupils to a school where the arrangements are concerned with admissions to the school before the commencement of the school's 1988 autumn term.

Since no regulations have yet been made under section 51 of the Act (applying subsections (1) and (5) of that section to further education), the Order does not bring into force the repeal of section 31(8) of the London Government Act 1963 (which makes provision in relation to both schools and maintained or assisted further education establishments). The Order provides (in paragraph 3 of Schedule 3) that, pending the repeal of section 31(8) of the 1963 Act, section 51(12) of the Act (which provides for section 31(8) of the 1963 Act to cease to have effect) is to be construed as though it provided for that subsection to cease to have effect only in its application to county and voluntary schools. The effect of the Order is, therefore, that section 31(8) of the 1963 Act ceases to apply in relation to schools (which will now be governed by section 51(1) of the Act), but continues to apply in relation to further education until (following the making of regulations under section 51(2)(b) of the Act) the repeal of section 31(8) of the 1963 Act is brought into force.

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