

1988 No. 1459 (C. 55)

EDUCATION, ENGLAND AND WALES

**The Education Reform Act 1988 (Commencement No. 1)
Order 1988**

Made *15th August 1988*

The Secretary of State, in exercise of the powers conferred on him by section 236(6) to (9) of the Education Reform Act 1988(a), hereby makes the following Order:—

Citation, interpretation and effect

1.—(1) This Order may be cited as the Education Reform Act 1988 (Commencement No. 1) Order 1988.

(2) In this Order “the Act” means the Education Reform Act 1988.

(3) Articles 2 to 5 have effect for bringing the provisions specified into effect in relation only to secondary schools.

Coming into force of certain provisions of the Act

2. Section 26 of the Act shall come into force—

- (a) for the purpose of enabling proposals to be made under subsections (4) to (6) for fixing the number of pupils in any age group which it is intended to admit to a secondary school in the school year beginning next after 4th August 1990 and for the purposes of subsections (7), (8) and (10), on 1st September 1989; and
- (b) for its remaining purposes (so far as they relate to secondary schools), on 4th August 1990.

3. Subsections (1) to (3) and (9) of section 27 and sections 28 and 32 of the Act shall come into force (so far as they relate to secondary schools) on 1st September 1988.

4. Subsections (4) to (8) of section 27 of the Act shall come into force—

- (a) for the purpose of enabling orders reducing any standard number applying to a secondary school to be made under subsection (5) and applications for such orders to be made as mentioned in subsection (6), on 1st September 1988;
- (b) for the purpose of enabling orders increasing any standard number applying to a secondary school to be made under subsection (5) and applications for such orders to be made as mentioned in subsection (7), on 1st September 1989; and
- (c) for their remaining purposes (so far as they relate to secondary schools) on 4th August 1990.

5.—(1) Subsection (1) of section 31 of the Act shall come into force (so far as it relates to secondary schools) on 4th August 1990.

(2) Subsection (2) of section 31 of the Act shall come into force (so far as it relates to

the publication of admission arrangements for secondary schools for the school year beginning next after 4th August 1990 and subsequent school years) on 1st September 1989.

6. Section 30 of the Act shall come into force on 1st September 1988.

Transitional provisions

7. For the purposes of—

- (a) proposals made under subsections (4) to (6) and (10) of section 26 of the Act for fixing the number of pupils in any age group which it is intended to admit to a secondary school in the school year beginning next after 4th August 1990, and of subsections (7) and (8) of that section, where such a proposal is made; and
- (b) applications made under subsection (7) of section 27 of the Act for an order under subsection (5) of that section increasing any standard number which would otherwise apply to a secondary school in that school year, and of any such order made on such an application,

subsection (1) of section 27 shall have effect as if for the words “in the school year” in paragraph (b) of that subsection there were substituted the words “at the beginning of the school year”.

8. For the purposes of applications made at any time before 4th August 1990 under subsection (6) of section 27 of the Act for an order reducing a standard number which would otherwise apply to a secondary school in the school year beginning next after 4th August 1990, and of any such order made on such an application, section 27 shall have effect as if the standard number applying to the school for the age group in question in the school year beginning next after 4th August 1990 were the standard number applying to the school for the age group in question under section 15 of the Education Act 1980(a) in the school year in which the application is made.

9. Where—

- (a) an application for an order under section 27(5) reducing a standard number has been made before 31st May 1990, and
- (b) the Secretary of State has not before that date either made or refused to make an order on the application,

the standard number applying to the secondary school in question for any age group to which the application relates in the school year beginning next after 4th August 1990 shall be the number of pupils in that age group admitted up to 31st May 1990 in the school year in which that date occurs.

15th August 1988

Kenneth Baker
Secretary of State for Education and Science

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the Education Reform Act 1988 relating to the admission of pupils to county and voluntary schools.

Section 30, which amends section 6 of the Education Act 1980 in relation to

(a) 1980 c.20.

arrangements made between a local education authority and the governors of an aided or special agreement school for preserving the character of the school, is brought into force on 1st September 1988 (article 6).

The remaining provisions of the Order bring specified provisions of sections 26, 27, 28, 31 and 32 into force but only in relation to secondary schools (articles 1(3) and 2 to 5).

Sections 27(1) to (3) and (9), 28 and 31 are brought into force for secondary schools on 1st September 1988 (article 3).

Subsections (4) to (8) of section 27 are brought into force on 1st September 1988 to the extent necessary to enable applications for orders reducing standard numbers at such schools, and such orders, to be made (article 4(a)).

Those same subsections, together with section 26, are brought into force on 1st September 1989 to the extent necessary to enable proposals for increasing admissions limits and applications for orders increasing standard numbers at such schools, and such orders, to be made (articles 2(a) and 4(b)).

Transitional provisions in articles 7 and 8 modify the meaning of "standard number" where such proposals and applications are made before 4th August 1990.

A further transitional provision (article 9) provides for the case where an application for reduction of a standard number has been made before 31st May 1990 but not determined by that date.

Sections 26 and 27 are brought fully into force in relation to secondary schools on 4th August 1990, together with the consequential provisions in section 31(1) (articles 2(b), 4(c) and 5(1)). For school years commencing after that date the admissions limits for county and voluntary secondary schools must not be less than the relevant standard number as defined in section 27. Section 31(2), which makes consequential amendments in the requirements for the publication of admission arrangements, is brought into force in relation to such years and such schools on 1st September 1989 (article 5(2)).