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STATUTORY INSTRUMENTS

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**1990 No. 391 (C. 14)**

**EDUCATION, ENGLAND AND WALES**

**The Education Reform Act 1988 (Commencement  
No. 8 and Amendment) Order 1990**

*Made - - - - 28th February 1990*

In exercise of the powers conferred by section 236(6) and (7) of the Education Reform Act 1988(1) the Secretary of State for Education and Science hereby makes the following Order:

**Citation**

1. This Order may be cited as the Education Reform Act 1988 (Commencement No. 8 and Amendment) Order 1990.

**Amendment of the Education Reform Act 1988 (Commencement No. 4) Order 1988**

2. The Education Reform Act 1988 (Commencement No. 4) Order 1988(2) shall be amended as follows—

(1) in article 1(2) the word “and” following the definition of “the Act” shall be omitted and there shall be inserted after that definition the following definition—

““ILEA institution” means an institution providing full-time education which is maintained by the Inner London Education Authority on the date this Order is made in exercise of their further or higher education functions; and”;

(2) in Schedule 5 there shall be substituted for the words “Section 152 (to the extent not already in force)” the words “Section 152(1) to (9) (except in relation to an ILEA institution)”.

**Coming into force of certain provisions of the Education Reform Act 1988**

3. The provisions of the Education Reform Act 1988 specified in column 1 of Schedules 1 and 2 to this Order (which relate to the matters mentioned in column 2 thereof) shall, except as otherwise provided in the said column 1, come into force on the date specified in relation to each Schedule in the following table—

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Schedule 1	31st March 1990
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(1) 1988 c. 40.

(2) S.I. 1988/2271, amended by S.I. 1989/501.

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Schedule 2

1st April 1992.

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## SCHEDULE 1

### PROVISIONS COMING INTO FORCE ON 31ST MARCH 1990

Provisions of the Act	Subject matter of the provisions
Section 24	Power to extend sections 5 and 10(2)(b) (courses leading to external qualifications) to further education
Section 209	Grants in respect of mandatory awards
Paragraph 106 of Schedule 12 and section 237(1) so far as it relates thereto	New schools: power to determine times of school sessions, etc.
Section 237(2) and Schedule 13, so far as they relate to the repeals set out in the Appendix to this Schedule	Repeals

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## APPENDIX TO SCHEDULE 1

Chapter	Short title	Extent of repeal
1974 c. 7	The Local Government Act 1974	Section 8(2) and (3)

## SCHEDULE 2

### PROVISIONS COMING INTO FORCE ON 1ST APRIL 1992

Provisions of the Act	Subject matter of the provisions
Section 152 (in so far as it is not already in force)	Provision required in instrument and articles of government of maintained further and higher education institutions

28th February 1990

*John MacGregor*  
Secretary of State for Education and Science

## EXPLANATORY NOTE

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

This Order brings into force on 31st March 1990 three of the remaining provisions of the Education Reform Act 1988 not yet in force.

The first is section 24, which enables the Secretary of State to make an order directing that the provisions of sections 5 and 10(2)(b) of the 1988 Act (relating to courses leading to external qualifications) shall apply in relation to pupils up to and including the age of 18 and to specified institutions of further education.

The second is section 209, together with the consequential repeal of section 8(2) and (3) of the Local Government Act 1974 which that section replaces. Section 209 requires the Secretary of State to reimburse local education authorities for the whole of their expenditure on mandatory awards under section 1(1) of the Education Act 1962 (c. 12) for persons attending first degree courses and comparable courses. Under the 1974 Act reimbursement was limited to 90 per cent. of the amount disbursed.

The third is paragraph 106 of Schedule 12 which substitutes a new paragraph 16 for paragraph 16 of Schedule 2 to the Education (No. 2) Act 1986 (c. 61). That paragraph makes provision for new schools corresponding to that in section 115 of the 1988 Act, relating to the determination of the dates of school terms and holidays and the times of school sessions.

The Order also amends Schedule 5 to the Education Reform Act 1988 (Commencement No. 4) Order 1988 and provides for subsections (1) to (9) of section 152 of the 1988 Act to come into force, in so

far as they relate to institutions of further and higher education which were maintained by the Inner London Education Authority on 22nd December 1988, on 1st April 1992 instead of 1st April 1990.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Act have been or will be brought into force on the dates specified in the following table—

Provision	Date of Commencement	S.I. No.
Sections 27, 28 and 32 (all partially) and section 30.	1st September 1988	1988/1459
Sections 26, 27(4) to (8) and 31(2) (all partially)	1st September 1989	1988/1459
Sections 26, 27(4) to (8) and 31(1) (all partially)	4th August 1990	1988/1459
Sections 17 to 19, 131 to 134 (including Schedule 8 to the extent not already in force). 136, 220 and paragraphs 83 to 85 of Schedule 12.	1st November 1988	1988/1794
Sections 121 (except for Southampton Institute of Higher Education) to 130 (including Schedule 7), 135, 219(2)(e), 226, 227(2) to (4), 228 and 229 and paragraphs 64 and 80 of Schedule 12.	21st November 1988	1988/1794
Sections 106 to 111, 117 and 118 and Schedule 13 as regards the repeal of section 61 of the Education Act 1944.	1st April 1989	1988/1794
Section 114, 214 to 216, and Schedule 13, as regards the repeal of section 3 of the Education Act 1967 and paragraph 14 of Schedule 3 to the Education Act 1980, and section 237(2) so far as it relates thereto.	30th November 1988	1988/2002
Section 218, paragraph 68 of Schedule 12 and section 237(1) so far as relating to those provisions, and Schedule 13, as regards the repeal of section 27 of the Education Act 1980 and paragraph 5 of Schedule 3	1st April 1989	1988/2002

\* As to paragraph 77, see article 3 of the Education Reform Act 1988 (Commencement No. 6) Order 1989 (S.I. 1989/501).

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Provision	Date of Commencement	S.I. No.
to the Education Act 1981, and section 237(2) so far as it relates thereto.		
Section 152(10), section 219 (to the extent not already in force), paragraph 63 of Schedule 12 and section 237(1) so far as relating to those provisions, and Schedule 13 so far as it relates to the repeal of sections 25 and 29(2) to (4) of the Education Act 1944, section 7 of the Education Act 1946, and the whole of the Education (No. 2) Act 1986 and section 237(2) so far as it relates thereto.	1st January 1989	<a href="#">1988/2271</a>
Section 121 (to the extent not already in force).	1st February 1989	<a href="#">1988/2271</a>
Section 120, paragraphs 54 to 57, 59, 61, 62, 65, 66, 69 to 76, 78, 79*, 86 to 98, 100, 101, 103 to 105 and 107 of Schedule 12 and section 237(1) so far as relating to those provisions. Schedule 13 so far as it relates to the repeal of sections 8(1)(b) (part), 42 to 46, 50 (part), 52(1) (part), 54 (part), 60, 62(2), 69 (part), 84 and 114 (part) of the Education Act 1944; section 8(3) of the Education Act 1946; section 31(1) and (4) of the London Government Act 1963; section 16 (part) of the Industrial Training Act 1964; section 81(4)(a) (part) and 104(2) (part) of the Local Government Act 1972; sections 24 (part) and 25(6)(c)(ii) (part) of the Sex Discrimination Act 1975; sections 19(6)(c)(ii) (part) and 78(1) (part) of the Race Relations Act 1976; and section 56 (part) of the Education (No. 2) Act 1986;	1st April 1989	<a href="#">1988/2271</a>

\* As to paragraph 77, see article 3 of the Education Reform Act 1988 (Commencement No. 6) Order 1989 (S.I. [1989/501](#)).

Provision	Date of Commencement	S.I. No.
and section 237(2) so far as it relates thereto.		
Section 7 (except in relation to ILEA schools), paragraph 99 of Schedule 12 and section 237(1) so far as relating to those provisions, and Schedule 13 so far as it relates to the repeal of sections 17(1) (part) and (4), 18(3) (part), (4), (6)(c)(ii) (part) and (8) (part), 19(3) and 20 of the Education (No. 2) Act 1986, and section 237(2) so far as it relates thereto.	1st August 1989	<a href="#">1988/2271</a>
Section 152(1) to (9) (partially — see article 2 of this Order)	1st April 1990	<a href="#">1988/2271</a>
Section 7 (to the extent not already in force).	1st April 1990	<a href="#">1988/2271</a>
Paragraph 58 of Schedule 12 and section 237(1) so far as it relates thereto and section 12 (except in relation to ILEA county schools).	1st March 1989	<a href="#">1989/164</a>
Section 115.	1st May 1989	<a href="#">1989/164</a>
Section 5, 10(2) and (3) (the latter subsection partially) and 16.	1st August 1989	<a href="#">1989/164</a>
Section 23(2) (except in relation to ILEA schools).	1st September 1989	<a href="#">1989/164</a>
Section 12 and 23(2) (to the extent not already in force).	1st April 1990	<a href="#">1989/164</a>
Section 10(3) (partially)	1st August 1990	<a href="#">1989/164</a>
Section 10(3) (partially).	1st August 1991	<a href="#">1989/164</a>
Section 10(3) (partially).	1st August 1989	<a href="#">1989/501</a>
Section 10(3) (partially).	1st August 1990	<a href="#">1989/501</a>
Section 10(3) (partially).	1st August 1991	<a href="#">1989/501</a>
Sections 210 and 211 and Schedule 13 so far as it relates to the repeal of section 1(1) (part) of the Education Act 1946, section 29(1)(e)(part)	1st May 1989	<a href="#">1989/719</a>
* As to paragraph 77, see article 3 of the Education Reform Act 1988 (Commencement No. 6) Order 1989 (S.I. <a href="#">1989/501</a> ).		

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Provision	Date of Commencement	S.I. No.
of the Employment Protection (Consolidation) Act 1978, section 35(5)(part) of and paragraph 25 of Schedule 1 to the Education Act 1980, Part I of Schedule 10 to the Local Government, Planning and Land Act 1980, section 22 of the Local Government Act 1985, sections 29 and 47(5)(a)(ii)(part) of and paragraph 4 of Schedule 4 to the Education (No. 2) Act 1986 and section 2 of the Local Government Act 1987; and section 237(2) so far as it relates thereto.		
* As to paragraph 77, see article 3 of the Education Reform Act 1988 (Commencement No. 6) Order 1989 (S.I. 1989/501).		