
STATUTORY INSTRUMENTS

2005 No. 2034

The Education Act 2005 (Commencement No.1 and Savings and Transitional Provisions) Order 2005

Citation and interpretation

1.—(1) This Order may be cited as the Education Act 2005 (Commencement No.1 and Savings and Transitional Provisions) Order 2005.

(2) In this Order “the 2005 Act” means the Education Act 2005.

Provisions coming into force

2. The following provisions of Schedule 7 to the 2005 Act shall come into force on 1st August 2005—

paragraph 3(6);

paragraph 4(4);

paragraph 12 for the purpose of making regulations under the substituted paragraph 6A(4) in Schedule 26 to the School Standards and Framework Act 1998 (1); and

paragraph 20 for the purpose of making regulations under the substituted paragraph 13A(2) in Schedule 26 to the School Standards and Framework Act 1998.

3. The following provisions of the 2005 Act shall come into force on 1st September 2005—

sections 1 to 18;

sections 48 and 49; and

Schedule 1.

4. The following provisions of the 2005 Act shall come into force in relation to England only on 1st September 2005—

sections 44 and 45;

section 46 to the extent that it relates to the paragraphs of Schedule 5 specified below;

section 47;

section 51;

section 54;

section 58;

section 60;

section 61 to the extent that it relates to the paragraphs of Schedule 9 specified below;

section 105 to the extent that it inserts subsections (1), (2) and (5) of section 28A in the Education Act 2002(2);

sections 115 and 116;

(1) 1998 c. 31

(2) 2002 c. 32

section 117 to the extent that it relates to the paragraphs of Schedule 18 specified below;
section 118;

section 123 to the extent that it relates to the provisions of Schedule 19 specified below;
in Schedule 5—

- paragraph 1;
- paragraph 2(1) and (2);
- paragraph 2(3), except to the extent that it substitutes subsection (2)(b) in section 113(2) of the Learning and Skills Act 2000(3);
- paragraph 3(1) to (7);
- paragraph 3(8), except to the extent that it substitutes sub-paragraph (1)(b), sub-paragraph (2)(b)(ii) and (3)(b) in paragraph 6 of Schedule 7 to the Learning and Skills Act 2000;
- paragraph 3(9), except to the extent that it substitutes paragraph 7(2)(b) in Schedule 7 to the Learning and Skills Act 2000;
- paragraph 3(10) and (11);
- paragraph 3(12), except to the extent that it substitutes sub-paragraph (1)(b) in paragraph 11 of Schedule 7 to the Learning and Skills Act 2000;
- paragraph 3(13);
- paragraph 3(14), except to the extent that it substitutes sub-paragraph (1)(b), sub-paragraph (2)(b)(ii) and sub-paragraph (3)(b) in paragraph 13 of Schedule 7 to the Learning and Skills Act 2000; and
- paragraph 3(15);

Schedule 8;

in Schedule 9—

- paragraphs 8 to 14;
- paragraph 15(1);
- paragraph 15(2), except to the extent that it substitutes subsection (4)(a)(ii) in section 15 of the School Standards and Framework Act 1998;
- paragraph 15(3);
- paragraph 15(4), except to the extent that it substitutes subsection (6)(a)(ii) in section 15 of the School Standards and Framework Act 1998;
- paragraphs 16 to 21; and
- paragraphs 28 to 30;

in Schedule 18, paragraphs 1, 6 and 15; and

in Schedule 19, Part 1, the repeal of the entries relating to—

- the Education Act 1996;
- the School Inspections Act 1996;
- the Education Act 1997;
- the Learning and Skills Act 2000, except in relation to the repeal of section 81;
- the Education Act 2002; and

the School Standards and Framework Act 1998, except in relation to the repeal of the provisions in Schedule 26.

5. The following provisions of the 2005 Act shall come into force in relation to England and Wales on 1st September 2005—

- section 61 to the extent that it relates to the paragraphs of Schedule 9 specified below;
- section 103;
- section 104;
- section 117 to the extent that it relates to the paragraphs of Schedule 18 specified below;
- section 123 to the extent that it relates to the provisions of Schedule 19 specified below;
- in Schedule 9, paragraphs 1 to 5, 23 and 26;
- in Schedule 18, paragraphs 2 to 4;
- in Schedule 19, Part 1, the repeal of the entries relating to—
 - the Parliamentary Commissioner Act 1967; and
 - the Protection of Children Act 1999;
- in Schedule 19, Part 4, the repeal of—
 - section 14(2) of, and paragraph 5 of Schedule 8 to, the Special Educational Needs and Disability Act 2001, and
 - paragraph 39(5) of Schedule 21 to the Education Act 2002.

6. The following provisions of the 2005 Act shall come into force in relation to England only on 3rd October 2005—

- section 53 to the extent that it relates to the paragraphs of Schedule 7 specified below;
- section 59;
- section 106;
- section 123 to the extent that it relates to the provisions of Schedule 19 specified below;
- in Schedule 7—
 - paragraphs 6 to 8;
 - paragraph 10(1) to (5);
 - paragraph 10(6), except to the extent that it inserts sub-paragraph (5)(b) in paragraph 2 of Schedule 26 to the School Standards and Framework Act 1998;
 - paragraph 11;
 - paragraph 12, except to the extent that it substitutes paragraph 6B in Schedule 26 to the School Standards and Framework Act 1998;
 - paragraphs 13 to 19;
 - paragraph 20, except to the extent that it substitutes paragraph 13B in Schedule 26 to the School Standards and Framework Act 1998;
 - paragraph 21, except to the extent that it substitutes paragraph 14(2) in Schedule 26 to the School Standards and Framework Act 1998;
 - paragraphs 22 and 23;
 - paragraph 24(1);
 - paragraph 24(2), except to the extent that it substitutes sub-paragraphs (1)(b) and (c) in paragraph 18 of Schedule 26 to the School Standards and Framework Act 1998;

paragraph 24(3), except to the extent that it substitutes sub-paragraph (4)(b) in paragraph 18 of Schedule 26 to the School Standards and Framework Act 1998; and

in Schedule 19, Part 1, the repeal of the remaining provisions of the School Standards and Framework Act 1998.

7. The following provisions of the 2005 Act shall come into force in relation to England and Wales on 3rd October 2005—

section 53 to the extent that it relates to the paragraphs of Schedule 7 specified below; and
in Schedule 7, paragraphs 1 to 4, insofar as they are not already in force.

8. The following provisions of the 2005 Act shall come into force in relation to England only on 1st November 2005—

section 101 to the extent that it relates to the paragraphs of Schedule 16 specified below;
section 117 to the extent that it relates to the paragraphs of Schedule 18 specified below;
section 123 to the extent that it relates to the provisions of Schedule 19 specified below;
in Schedule 16, paragraphs 1 to 3, paragraph 4 to the extent that it inserts section 45AA in the School Standards and Framework Act 1998 and paragraphs 5 to 7;

in Schedule 18, paragraphs 5, 7 to 12 and 14;

in Schedule 19, Part 4, the repeal of—

subsections (5) and (6) of section 45A of the School Standards and Framework Act 1998;
sections 41(2) and 42 of and paragraph 124(3) of Schedule 21 to the Education Act 2002;
and

paragraph 66 of Schedule 7 to the Local Government Act 2003.

9. The following provisions of the 2005 Act shall come into force in relation to England and Wales on 1st November 2005—

section 101 to the extent that it relates to the paragraph of Schedule 16 specified below; and
in Schedule 16, paragraph 8.

10. The Schedule to this Order applies only in relation to England and shall have effect for the purposes of making transitional provision and savings in relation to the provisions to which it refers.