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STATUTORY INSTRUMENTS

2006 No. 2990 (C. 105)

CHILDREN AND YOUNG PERSONS, ENGLAND EDUCATION, ENGLAND

The Education and Inspections Act 2006 (Commencement No. 1 and Saving Provisions) Order 2006

Made - - - - 15th November 2006

The Secretary of State for Education and Skills, in exercise of the powers conferred by sections 181 and 188(3) of the Education and Inspections Act 2006(**1**), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Education and Inspections Act 2006 (Commencement No. 1 and Saving Provisions) Order 2006.

(2) In this Order—

"the Act" means the Education and Inspections Act 2006;

"SSFA 1998" means the School Standards and Framework Act 1998(**2**).

Provisions coming into force on 12 December 2006

2. The following provisions of the Act come into force on 12th December 2006—

(a) section 40 in relation to England;

(b) section 112(1) to (3);

(c) section 112(4) to the extent that it relates to the provisions of Schedule 11 specified in paragraph (i);

(d) section 116(1)(a) and (b);

(e) section 117;

(f) section 158 to the extent that it relates to the provisions of Schedule 15 specified in paragraph (j);

(g) section 159;

(h) section 184 to the extent that it relates to the provision set out in paragraph (k);

(**1**) 2006 c40.
(**2**) 1998 c.31.

(i) in Schedule 11—

(i) paragraphs 1 and 2(1);

(ii) paragraphs 3, 5(1), 6(1) to (4), 7(1), 8 to 11, 12(1) to (3) and 13, and paragraph 2(2) in so far as that paragraph relates to these paragraphs;

(j) in Schedule 15, paragraph 7 (so far as not already in force) and paragraph 9 in so far as that paragraph relates to paragraph 7;

(k) in Schedule 18 (Part 6), the repeal in relation to England of—

in the School Standards and Framework Act 1998, in section 84(5), the words "of practice", in each place where they occur, and in section 85(1), the words "of practice".

Saving of current Codes of Practice issued under sections 84 and 85 of SSFA 1998

3. Despite the coming into force of section 40 of the Act and the amendments which that section makes to section 84 of SSFA 1998, the School Admissions Code of Practice(**3**), and section 84 of that Act as originally enacted in relation to that Code, are to continue in force until the date appointed by the Secretary of State for the coming into force of a code for school admissions to replace that Code.

4. Despite the coming into force of section 40 of the Act and the amendments which that section makes to section 84 of SSFA 1998, the School Admission Appeals Code of Practice(**4**) and section 84 of that Act as originally enacted in relation to that Code, are to continue in force in relation to any appeal made under section 94 of SSFA 1998 before the date appointed by the Secretary of State for the coming into force of a code for school admissions to replace that Code.

Jim Knight
Minister of State
Department for Education and Skills

15th November 2006

(**3**) This Code came into force on 31st January 2003 in accordance with the Education (School Admissions Code of Practice and School Admission Appeals Code of Practice) (Appointed Day) (England) Order 2003/163.

(**4**) This Code came into force on 31st January 2003 in accordance with the Education (School Admissions Code of Practice and Schools Admission Appeals Code of Practice) (Appointed Day) (England) Order 2003/163.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the first commencement order made under the Education and Inspections Act 2006. Article 2 contains the provisions to be commenced.

Section 40 amends sections 84 and 85 of the School Standards and Framework Act 1998 so as to change the term "code of practice" to "code for school admissions", and the duty to "have regard" to the code to a duty to "act in accordance" with it. Section 40 and the consequential repeals are commenced in relation to England.

Section 112 establishes an Office for Standards in Education, Children's Services and Skills ("the Office"). Schedule 11 sets out the governance of the Office. Section 116 sets out the functions of the Office, and section 117 defines the purpose of those functions and the manner in which the Office is to exercise them. Paragraph 7 of Schedule 15 provides that the Secretary of State may by regulations confer on the Office and the existing Chief Inspector such powers, and impose on them such duties, as the Secretary of State considers necessary or expedient in order to prepare for the performance by the new Chief Inspector of her functions. It also provides that any such regulations may be made at any time before the new Chief Inspector acquires her functions, and imposes a duty on the Adult Learning Inspectorate, the Chief Inspector of Adult Learning, the Commission for Social Care Inspection and inspectors of court administration to give such assistance to the Office and the existing Chief Inspector as is reasonably required for this preparation.

Articles 3 and 4 contain saving provisions to ensure that the current Codes and the current duty to have regard to them under section 84 of the School Standards and Framework Act 1998, continue in force until new codes for school admissions come into force. Appeals made before the new code in relation to school admission appeals comes into force will continue under the current Code for School Admission Appeals.