
STATUTORY INSTRUMENTS

2009 No. 387 (C. 21)

**EDUCATION, ENGLAND AND WALES
EDUCATION, NORTHERN IRELAND**

**The Education and Skills Act 2008
(Commencement No. 2 and Savings) Order 2009**

Made - - - - 26th February 2009

The Secretary of State for Children, Schools and Families makes the following Order in exercise of the powers conferred by section 173 of the Education and Skills Act 2008(1):

Citation and interpretation

1.—(1) This Order may be cited as the Education and Skills Act 2008 (Commencement No. 2 and Savings) Order 2009.

(2) In this Order—

“the Act” means the Education and Skills Act 2008;

“academic year” means the period commencing with 1st August and ending with the next 31st July.

Provisions coming into force on 28th February 2009

2. The following provisions of the Act come into force on 28th February 2009—
section 82 (apprenticeships: functions of Learning and Skills Council for England);
section 85 (co-operation as regards provision of 14-19 education and training);
section 159 (approved external qualifications: England);
section 161(1), (2), (3)(a) and (5) to (9) (functions of Qualifications and Curriculum Authority in England and Northern Ireland).

Provisions coming into force on 7th March 2009 subject to savings

3.—(1) The following provisions of the Act come into force, subject to paragraphs (2) and (3), on 7th March 2009—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

section 83 (provision of transport etc for persons of sixth form age: duty to consider journey times);

section 84 (exercise of travel functions by local education authorities in England: duty to have regard to religion or belief of persons of sixth form age).

(2) Despite the coming into force of section 83, section 509AB of the Education Act 1996(2) continues to apply without the amendments made by section 83 in relation to any transport policy statement for the academic year 2008-2009.

(3) Despite the coming into force of section 84, section 509AD of the Education Act 1996(3) continues to apply without the amendment made by section 84 in relation to the exercise of travel functions (within the meaning of section 509AD(2)) by local education authorities in relation to the academic year 2008-2009.

26th February 2009

Sarah McCarthy-Fry
Parliamentary Under Secretary of State
Department for Children, Schools and Families

(2) [1996 c.56](#); section 509AB was inserted by paragraph 4 of Schedule 19 to the Education Act [2002 \(c.32\)](#). It was amended by paragraph 35 of Schedule 1 to the National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005, [S.I. 2005/3238](#); section 83(2) of, and paragraph 5 of Schedule 10 to, the Education and Inspections Act [2006 \(c.40\)](#); paragraph 4(3) of Schedule 1, and Schedule 2, to the [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#) and paragraph 60 of Schedule 4 to the Local Transport Act [2008 \(c.60\)](#).

(3) Section 509AD was inserted by section 84 of the Education and Inspections Act 2006.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the second commencement order made under the Education and Skills Act 2008 (“the Act”). Article 2 commences, on 28th February 2009, sections 82, 85, 159 and 161(1), (2), (3)(a) and (5) to (9) of the Act. Section 82 amends the Learning and Skills Act 2000 (“the 2000 Act”) to make clear that the Learning and Skills Council for England (“LSC”) is under duties in respect of training provided in connection with contracts of employment and contracts of apprenticeship, and to require the LSC to encourage employers to participate in the provision of such training.

Section 85 of the Act extends the local collaborative arrangements made under section 10 of the Children Act 2004 (co-operation to improve well-being) to cover arrangements to promote co-operation between the children’s services authority and its partners and persons who are responsible for providing 14-19 education and training.

Section 159 of the Act amends section 98 of the 2000 Act (approved qualifications: England) to alter the requirements about the approval of external qualifications.

The provisions of section 161 commenced on 28th February 2009 amend the functions of the Qualifications and Curriculum Authority under section 24 of the Education Act 1997 (“the 1997 Act”) (functions of the Authority in relation to external vocational and academic qualifications) by imposing new functions of developing and publishing criteria for the recognition of bodies which wish to award or authenticate qualifications, and recognising those bodies. The provisions also make consequential amendments to section 26 of the 1997 Act.

Article 3 commences, on 7th March 2009, sections 83 and 84 of the Act. Section 83 of the Act amends section 509AB of the Education Act 1996 (“the 1996 Act”) (further provision about transport policy statements) so that travelling time is one of the factors a local education authority must consider when deciding on the arrangements it will be making in relation to school transport for persons of sixth form age. Section 84 amends section 509AD of the 1996 Act (LEAs in England: duty to have regard to religion or belief in exercise of travel functions) to require local education authorities to consider the wish of a person of sixth form age to receive education or training at a particular institution where that wish is based on the person’s religion or belief. Paragraph (2) provides that the amendments made to section 509AB of the 1996 Act do not affect any transport policy statement for the academic year 2008-2009. Paragraph (3) provides that the amendment to section 509AD of the 1996 Act does not affect the exercise of travel functions by local education authorities in relation to the academic year 2008-2009.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force in England by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 68 to 78	26th January 2009	2008/3077
Section 79 (partially)	26th January 2009	2008/3077
Sections 87 to 91	26th January 2009	2008/3077

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 150	26th January 2009	2008/3077
Section 151 (partially)	2nd December 2008	2008/3077
Section 151 (remainder)	26th January 2009	2008/3077
Sections 152 and 153	26th January 2009	2008/3077
Section 165	26th January 2009	2008/3077
Section 169(1) (partially)	2nd December 2008 and 26th January 2009	2008/3077
Section 169(2) (partially)	2nd December 2008 and 26th January 2009	2008/3077
Schedule 1, paragraphs 53 (partially), 54(5) to (7), 57, 58, 61 to 64 and 68 to 73	2nd December 2008	2008/3077
Schedule 1, paragraphs 44 to 47, 53 (remainder), 54 (remainder), 55, 56, 59, 60, 65 to 67, 78, 81 to 85 and 89	26th January 2009	2008/3077
Schedule 2 (partially)	26th January 2009	2008/3077