
WELSH STATUTORY INSTRUMENTS

2009 No. 2545 (W.207) (C.107)

EDUCATION, WALES

**The Education and Inspections Act 2006 (Commencement
No. 4 and Transitional Provisions) (Wales) Order 2009**

Made - - - - 17 September 2009

The Welsh Ministers, in exercise of the powers conferred upon the National Assembly for Wales by sections 181 and 188(3) of the Education and Inspections Act 2006⁽¹⁾, and now vested in them⁽²⁾, make the following Order:

Title and interpretation

1. The title of this Order is the Education and Inspections Act 2006 (Commencement No. 4 and Transitional Provisions) (Wales) Order 2009.
2. In this Order “the 2006 Act” (“*Deddf 2006*”) means the Education and Inspections Act 2006.

Appointed days

- 3.—(1) The following provisions of the 2006 Act come into force on 12 October 2009:
 - (a) section 169 (prohibition on participation in management of independent school);
 - (b) section 170 (prohibition on participation in management: supplementary);
 - (c) section 171 (prohibition on participation in management: transitional provision).
- (2) The following provisions of the 2006 Act come into force on 1 January 2010:
 - (a) section 89 except subsection (4);
 - (b) section 96(b) in so far as it relates to the repeal of subsections (4) to (7) of section 61 of the School Standards and Framework Act 1998;
 - (c) section 184 (repeals) to the extent it relates to the provisions set out in paragraph (d);
 - (d) in Part 6 of Schedule 18 the repeal in the School Standards and Framework Act 1998 of section 61(4) to (7).

Transitional provision

- 4.—(1) Until section 88 of the 2006 Act is commenced—

(1) 2006 c. 40. Section 181 is amended by section 23 of the [Learner Travel \(Wales\) Measure 2008](#) (2008 nawm 2).
(2) By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

- (a) the reference in section 89(2)(a) of the 2006 Act to section 88(2)(a) is to have effect as though it were a reference to section 61(2)(a) of the School Standards and Framework Act 1998; and
 - (b) the reference in section 89(2)(b) of the 2006 Act to section 88(2)(b) is to have effect as though it were a reference to section 61(2)(b) of the School Standards and Framework Act 1998.
- (2) Until section 89(4) of the 2006 Act is commenced the measures which a head teacher determines under section 89(1) of the 2006 Act may include the making of rules and provision for enforcing them.

17 September 2009

Jane Hutt
Minister for Children, Education, Lifelong
Learning and Skills, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings sections 169, 170, and 171 of the Education and Inspections Act 2006 into force on 12 October 2009.

Section 169 inserts new section 167A, 167B, 167C and 167D into the Education Act 2002. These sections allow the Welsh Ministers to issue a direction prohibiting or restricting a person's participation in the management of an independent school. These sections also allow the Welsh Ministers to make regulations setting out the procedure to be followed by the Welsh Ministers in making such directions.

Section 170 amends section 169 of the Education Act 2002, inserts a paragraph (e) into subsection (2) of section 113BA of the Police Act 1997 and inserts a new paragraph (ba) into subsection (2) of section 9 of the Protection of Children Act 1999.

Section 171 provides for transitional provision on the coming into force of section 167A of the Education Act 2002.

The Order also brings into force on 1 January 2010 section 89 of the Education and Inspections Act 2006 in part, together with the partial repeal of section 61 of the School Standards and Framework Act 1998. The provisions brought into force re-enact section 61(4) to (7) of the School Standards and Framework Act 1998. The Order also makes transitional provisions. Section 89 of the 2006 Act is commenced in part in this way so as to allow for the amendments made to that section by section 13 of the Learner Travel (Wales) Measure 2008 which will mean that the travel behaviour code made by the Welsh Ministers under that Measure is incorporated into a school's behaviour policy.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2006 Act have been brought into force in relation to Wales by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 1	30 June 2008	2008/1429 (W.148)
Section 4	1 September 2009	2009/1027 (W.89)
Section 37 (1) and (2)(a)	30 June 2008	2008/1429 (W.148)
Section 38	1 September 2008	2008/1429 (W.148)
Section 39	30 June 2008	2008/1429 (W.148)
Section 40	1 September 2008	2008/1429 (W.148)
Sections 43 — 45	30 June 2008	2008/1429 (W.148)
Section 47	30 June 2008	2008/1429 (W.148)
Section 53	30 June 2008	2008/1429 (W.148)
Section 55	9 February 2009	2009/49 (W.17)

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 156	30 June 2008	2008/1429 (W.148)
Section 164	1 September 2009	2009/1027 (W.89)
Section 166	30 June 2008	2008/1429 (W.148)
Section 175	30 June 2008	2008/1429 (W.148)
Section 184 in part	30 June 2008	2008/1429 (W.148)
Section 184 in part	1 September 2008	2008/1429 (W.148)
Section 184 in part	1 September 2009	2009/1027 (W.89)
Schedule 17	30 June 2008	2008/1429 (W.148)
Schedule 18 in part	30 June 2008	2008/1429 (W.148)
Schedule 18 in part	1 September 2008	2008/1429 (W.148)
Schedule 18 in part	1 September 2009	2009/1027 (W.89)

Various provisions of the 2006 Act have been brought into force in relation to England by the following statutory instruments: S.I. [2006/2990](#) as amended by S.I. [2008/54](#), S.I. [2008/54](#), S.I. [2006/3400](#), S.I. [2007/935](#) (as amended by S.I. [2007/1271](#)), S.I. [2007/1271](#), S.I. [2007/1801](#), S.I. [2007/3074](#) and S.I. [2008/1971](#).

See also section 188(1) and (2) for the provisions that came into force on 8 January 2007 (two months thereafter).