
STATUTORY INSTRUMENTS

2002 No. 2439

The Education Act 2002 (Commencement No. 2 and Savings and Transitional Provisions) Order 2002

Citation and Interpretation

1.—(1) This Order may be cited as the Education Act 2002 (Commencement No. 2 and Savings and Transitional Provisions) Order 2002.

(2) In this Order—

“the 1998 Act” means the School Standards and Framework Act 1998⁽¹⁾;

“the 2002 Act” means the Education Act 2002.

Provisions coming into force

2. The following provisions of the 2002 Act shall come into force on 1st October 2002—

sections 76 and 77;

section 78 so far as it is not already in force;

sections 79 to 96;

section 119;

section 120(1), and (3) to (5);

section 121;

section 130 to the extent that it repeals section 1 of, and the Schedule to, the School Teachers' Pay and Conditions Act 1991⁽²⁾;

section 189 to the extent that it relates to the paragraphs of Schedule 17 specified below;

section 215 to the extent that it relates to the provisions of Schedule 21 and Schedule 22 specified below;

Schedule 11;

in Schedule 17, paragraphs 1 to 4 and 9;

in Schedule 21, paragraphs 14 and 18;

in Schedule 22—

section 1 of, and the Schedule to, the School Teachers' Pay and Conditions Act 1991,

sections 26(9) and 48 of the Further and Higher Education Act 1992,

in the Education Act 1997—

in section 23, in subsection (2), paragraph (f) and the word “and” immediately preceding it, and subsections (3) and (4),

in section 26(3), the words “or approve” and the words “and subject to such conditions”,

(1) 1998 c. 31.

(2) 1991 c. 49.

paragraphs 25, 44 and 214(a) of Schedule 30 to the School Standards and Framework Act 1998.

3. The following provisions of the 2002 Act shall come into force except in relation to Wales on 1st October 2002—

section 1 except for the words “(b) a maintained nursery school” in the list of qualifying schools in section 1(3);

sections 2 to 5;

sections 14 to 17;

section 19(6);

section 30;

section 37;

the definition of “budget share” in section 39(1);

section 39(2);

section 41(1) and (3);

section 42;

sections 47 to 49;

section 51 to the extent that it relates to the paragraphs of Schedule 4 specified below,

sections 62 to 64;

section 131;

section 148 to the extent that it relates to the paragraphs of Schedule 12 specified below;

sections 149 to 150;

section 151(1);

section 152 to the extent that it relates to the paragraphs of Schedule 13 specified below;

section 155 to the extent that it relates to the paragraphs of Schedule 14 specified below;

section 156;

section 177;

section 178(1) and (2);

sections 179 and 180;

section 187;

section 188 to the extent that it relates to the paragraphs of Schedule 16 specified below;

section 205;

section 206;

section 215 to the extent that it relates to the paragraphs of Schedule 21 and Schedule 22 specified below;

Schedule 1 so far as it is not already in force;

in Schedule 4, paragraphs 1, 3, 5 to 7, 10, 11, 13 and 14;

in Schedule 12, paragraphs 1, 2, 4(1) and (3), 6, 9, 11 and 12(1) and (2);

in Schedule 13, paragraphs 1 to 3, 6, 7(1) and (3) and 8;

in Schedule 14, paragraphs 5, 6 and 7;

Schedule 15 except for the words “(b) a nursery school” in paragraph 2(2);

in Schedule 16, paragraphs 7 to 9;

Schedule 20;

in Schedule 21—

paragraphs 8, 11, 13, 16, 19, 20, 21, 31, 32, 33, and 39(5);

paragraph 45 for the purpose of the substitution of paragraph (aa), save for sub-paragraph (ii), for paragraph (a),

paragraph 46 (1) to (3);

paragraph 46 (4) for the purposes of inserting sub-section (4) save for the words “and, (b) sections 97 to 117 (the curriculum in Wales)”;

paragraph 46(5) for the purposes of inserting the new text save for the words “or 7”;

paragraph 47 (1), (2) and (4);

paragraph 48 for the purpose of substituting the new text save for the words “or 109” and “or National Curriculum for Wales” in sub-paragraph (2), and the words “or 109” in sub-paragraph (3);

paragraph 51;

paragraph 57(b) and (c);

paragraph 63(b);

paragraph 66 for the purpose of substituting the new text save for the words “or 101(1) (a)”;

paragraphs 68 and 69;

paragraph 85(a);

paragraph 91;

paragraph 100(1) and (2);

paragraph 104 for the purpose of substituting the new text save for the words “or 101(1) (a)” in sub-paragraphs (2) and (3);

paragraph 105 for the purpose of substituting the new text save for the words “or 101(1) (a)”;

paragraph 108;

paragraph 111;

paragraph 113 (c), (d), and (g);

paragraph 117 for the purpose of substituting the new text save for the words “or 101(1) (a)” in sub-paragraphs (2) and (3);

paragraph 118(6);

paragraph 124;

in Schedule 22, Part 3 the repeal of—

section 40 of the Local Government (Miscellaneous Provisions) Act 1982;

section 49 of the Education Act (No. 2) 1986;

in the Children Act 1989,

in section 19, subsections (1) and (2) and in subsection (4) the words “the two authorities, or, in Scotland,”;

in section 79M(1), the word “or” at the end of paragraph (a);

in the Further and Higher Education Act 1992, section 23(4)(b) and the word “and” immediately preceding it, sections 39 to 42 and section 60;

- in the Education Act 1996—
 - in section 2(3)(a) the words “(including vocational, social, physical and recreational training)”;
 - in section 4(1) the words “part-time education suitable to the requirements of junior pupils or”;
 - in section 5(1) the words “part-time education suitable to the requirements of junior pupils or”;
 - section 350 to 369;
 - section 408(4)(a);
 - in section 409(1) the words “with the approval of the Secretary of State and”;
 - section 410;
 - section 483(3A);
 - section 483A(7);
 - section 497A(3);
 - in section 548(8) paragraph (c);
 - in section 568, in subsection (3) the words from “section 354(6)” to “401”, and subsection (4);
 - in Schedule 37, paragraph 55;
- in the School Inspections Act 1996—
 - in section 3(3), the word “and” at the end of paragraph (a);
- in section 6(3), the word “and” at the end of paragraph (a);
- in section 16(3), the word “and” preceding paragraph (d);
- in the Education Act 1997, in Schedule 7, paragraphs 9(3), 27(a) and 28(b);
- in the School Standards and Framework Act 1998—
 - sections 10(3) and (7);
 - in section 11, in subsection (2) the words from “and” to the end, and subsection (3);
 - section 36(2);
 - section 42;
 - section 46;
 - section 57;
 - in section 84(6), the definition of “the relevant standard number”;
 - section 86(3) (b) and (6);
 - section 91;
 - section 93;
 - in section 119(5), the word “and” at the end of paragraph (a);
 - in section 120(2)(a), the words “of proposals” and “and”;
 - in section 121, in subsection (1), the words “the authority’s statement of proposals” and in subsection (9) the words “early years development”;
 - in section 138—
 - in subsection (2)(b), the words “paragraph 3(5) or 4 of Schedule 10”;
 - in subsection (4)(b) the words “paragraph 4 or 8 of Schedule 23 or”, and

in subsection (5)(b)(ii) the word “46”;

in subsection 143, the entries relating to local schools budget and relevant standard number;

in Schedule 4, paragraph 5(4)(e);

Schedule 10;

Schedule 23;

in Schedule 26, paragraphs 8(9), and 15;

in Schedule 28, paragraph 4(1);

in Schedule 30, paragraphs 14, 85 to 90, 194(3)(a)(ii) and 204(b);

in the Learning and Skills Act 2000—

section 148(2);

in Schedule 9, paragraphs 26, 30 and 35.

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