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STATUTORY INSTRUMENTS

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**2003 No. 1667**

**The Education Act 2002 (Commencement No.6  
and Transitional and Saving Provisions) Order 2003**

**Citation and Interpretation**

1.—(1) This Order may be cited as the Education Act 2002 (Commencement No. 6 and Transitional and Saving Provisions) Order 2003.

(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 on 1st August 2003**

2. The following provisions of the 2002 Act shall come into force on 1st August 2003:

section 120(2);

sections 122 to 129;

section 130 to the extent that it is not already in force;

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

in Schedule 21, paragraphs 17, 56 and 119;

in Schedule 22, Part 1 to the extent that it is not already in force.

3. The following provisions of the 2002 Act shall come into force except in relation to Wales on 1st August 2003:

sections 132 to 133;

section 134(1), (4) and (5);

section 141;

section 145;

section 146 to the extent that it repeals section 218(1)(a), (aa), (e), (f), (2), (2A), (2AA), (2B), (3), (4) and (5) of the Education Reform Act 1988;

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

sections 202 and 203;

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

in Schedule 12 —

paragraphs 3(1), (2), (3) save for the words “or provisional”, (4) and (6),

paragraph 4(4) save for the words “or provisional registration”,

paragraph 8 save for the words “or provisional registration”,

paragraph 10 save for the words “or provisional”,  
paragraph 12(3) save for the words “or provisional ”;  
in Schedule 21 –  
paragraph 24,  
paragraph 74,  
paragraph 76 to the extent that it is not already in force,  
paragraph 78,  
paragraphs 80 to 82,  
paragraph 85 to the extent that it is not already in force,  
paragraphs 87,  
paragraph 88,  
paragraph 107 and  
paragraph 113(e);  
in Schedule 22, the repeal of –  
in the Education Reform Act 1988, section 218(1)(a), (aa), (e), (f), (2), (2A), (2AA), (2B),  
(3), (4) and (5),  
in the Education Act 1994, section 14(1), (3), and (4), and paragraph 8(4) of Schedule 2,  
in the Teaching and Higher Education Act 1998 –  
section 1(8),  
the words “within the meaning of section 218(2) of the Education Reform Act 1988”  
in section 3,  
section 11,  
section 13,  
in the Learning and Skills Act 2000, in Schedule 9, paragraph 18.

**Provisions coming into force on 1st September 2003**

4. The following provisions of the 2002 Act shall come into force except in relation to Wales on 1st September 2003:

section 1 to the extent that it is not already in force;  
sections 19, 20 and 21 to the extent that they are not already in force;  
section 22;  
section 24 to the extent that it is not already in force;  
section 29;  
section 32;  
section 33 to the extent that it is not already in force;  
sections 35 and 36 to the extent that they are not already in force;  
section 39(1) to the extent that it is not already in force;  
section 40 to the extent that it is not already in force;  
section 44(7);  
section 52(11);

section 146 to the extent that it repeals section 218(1)(d) of the Education Reform Act 1988;  
Part 10, save for section 158(3);  
section 176;  
sections 181 to 185;  
section 187 to the extent that it is not already in force;  
section 188 to the extent that it relates to the paragraphs of Schedule 16 specified below;  
section 215 to the extent that it relates to the provisions of Schedules 21 and 22 specified below;  
Schedule 3 to the extent that it is not already in force;  
Schedule 15 to the extent that it is not already in force;  
in Schedule 16, paragraphs 1, and 3 to 6;  
in Schedule 21 –  
    paragraph 12,  
    paragraph 23,  
    paragraph 25,  
    paragraph 26,  
    paragraph 27(3),  
    paragraphs 28 to 30,  
    paragraph 35,  
    paragraphs 36 to 38,  
    paragraph 39 to the extent that it is not already in force,  
    paragraphs 40 to 44,  
    paragraph 46 to the extent that it is not already in force,  
    paragraph 47 to the extent that it is not already in force,  
    paragraph 52, paragraph 57 to the extent that it is not already in force,  
    paragraph 58, paragraph 59 to the extent that it is not already in force,  
    paragraphs 60 to 62, paragraph 63 to the extent that it is not already in force,  
    paragraph 64,  
    paragraph 65,  
    paragraph 67,  
    paragraph 90,  
    paragraphs 92 to 94,  
    paragraph 99 to the extent that it is not already in force,  
    paragraphs 101 to 103,  
    in paragraph 110, sub-paragraph (2), and in sub-paragraph (3), paragraph (b) for the purpose of omitting paragraphs (f), (h) and (k) of subsection (6) of section 127 of the 1998 Act, and paragraph (c) for the purpose of inserting paragraphs (p) and (q) into that subsection,  
    paragraph 112 to the extent that it is not already in force,  
    paragraph 113 to the extent that it is not already in force, and  
    paragraph 127;

in Schedule 22, the repeal of –

in the Education Reform Act 1988, section 218(1)(d),

in the Judicial Pensions and Retirement Act 1993, in Schedule 5 the reference to “Chairman of an Independent Schools Tribunal”, and in Schedule 7 paragraph 5(5)(xxvii),

in the Education Act 1994, section 4(4),

in the Disability Discrimination Act 1995, in Schedule 4A, in the Table in paragraph 1, paragraph 3,

in the Education Act 1996 –

section 29(6),

in section 316A(11)(b) the words “a maintained nursery school or”,

in section 317 subsection (3)(b) and the word “or” preceding it,

in section 329A(13)(a), the words “a maintained nursery school or”,

sections 464 to 478,

section 537(9) and (10),

in section 568, in subsection (2) the words “sections 468, 471(1) and 474”,

in section 580, the entries relating to register registration, registered school and Registrar of Independent Schools,

Schedule 34,

in the Education Act 1997, paragraph 14 of Schedule 7,

in the School Inspections Act 1996 –

in section 10, subsection (3)(e) and in subsection (4B), paragraph (f) and the preceding “or”,

in section 11(5), in paragraph (a), “(e)” and paragraph (b),

in section 15(4)(c) the words “except where the school is a maintained nursery school”,

in section 20(3), paragraph (b) and the preceding “or”,

in section 21(3)(b) the words “except in the case of a maintained nursery school”, and in subsection (4), paragraph (b) and the preceding “or”,

in Schedule 3, in the definition of “appropriate authority” in paragraph 1, paragraph (b), and in paragraph (c) “(e)”,

in the Teaching and Higher Education Act 1998, section 3 (3)(c),

in the School Standards and Framework Act 1998 –

section 36 to the extent that it is not already repealed,

sections 37 to 39, section 41, section 43,

sections 54 to 56,

section 127 (6)(f),(h) and (k),

Schedules 9, 11, 12, 16 and 17,

in Schedule 30, paragraph 56, in paragraph 74 sub- paragraphs (2) and (3) and in sub-paragraph (4) paragraph (b) and the word “and” preceding it,

in the Employment Relations Act 1999, section 40,

in the Care Standards Act 2000, section 100 and paragraph 24 of Schedule 4.

### **Provisions coming into force on 1st October 2003**

5. The following provisions of the 2002 Act shall come into force except in relation to Wales on 1st October 2003:

section 38(1), (2) and (4) to (7);

section 135;

section 146 to the extent that it repeals section 218(1)(ab), (2C), (2D), (2E), (2F), the words “or course leading to a professional headship qualification for the purposes of subsection (1)(ab) above” in (9)(b), (12) and (14) of the Education Reform Act 1988;

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

in Schedule 21, paragraph 84;

in Schedule 22, the repeal of –

in the Education Reform Act 1988, section 218(1)(ab), (2C), (2D), (2E), (2F), the words “or course leading to a professional headship qualification for the purposes of subsection (1)(ab) above” in (9)(b), (12) and (14) ,

in the Teaching and Higher Education Act 1998, section 18,

in the School Standards and Framework Act 1998, paragraph 17 of Schedule 30.

### **Transitional and saving provisions**

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

30th June 2003

*David Miliband*  
Minister of State,  
Department for Education and Skills