

**2010 No. 1891 (C. 99)**

**EDUCATION, ENGLAND AND WALES**

**The Apprenticeships, Skills, Children and Learning Act 2009  
(Commencement No. 2 (Amendment) and Transitional  
Provision) Order 2010**

Made - - - -

26th July 2010

The Secretary of State for Education makes the following Order in exercise of the powers conferred by section 269(4) and (8) of the Apprenticeships, Skills, Children and Learning Act 2009(a).

**Citation and interpretation**

1.—(1) This Order may be cited as the Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 2 (Amendment) and Transitional Provision) Order 2010.

(2) In this Order “the Act” means the Apprenticeships, Skills, Children and Learning Act 2009.

**Amendment of the Apprenticeships, Skills, Children and Learning Act 2009  
(Commencement No. 2 and Transitional and Saving Provisions) Order 2010**

2.—(1) Column 1 of the table in Schedule 5 to the Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 2 and Transitional and Saving Provisions) Order 2010(b) is amended as follows.

(2) For “sections 242 to 249”, substitute—

“Sections 242 to 245	
Section 249(3)”	

(3) Omit “section 250”.

**Transitional Provision**

3. Despite section 249(3) of the Act coming into force in accordance with article 2, until the commencement of section 249(1) of the Act, any reference in paragraph 3A of Schedule 1 to the Education Act 1996 (inserted by section 249(3) of the Act) to a “short stay school” or “short stay schools” is to be read as a reference to a “pupil referral unit” or “pupil referral units” respectively.

*Nick Gibb*

Minister of State

Department for Education

26th July 2010

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(a) 2009 c. 22.  
(b) 2010 No.303 (C. 25).

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends Schedule 5 to the Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 2 and Transitional and Saving Provisions) Order 2010, by revoking the commencement of sections 246, 247, 248, 249(1) and (2) and 250 due to come into force on 1st September 2010.

Section 246 requires a governing body of a school in England, and section 247 a governing body of institutions within the FE sector in England (including sixth form colleges), to ensure that a procedure is in place for the recording of a significant incident where a member of staff has used force on a pupil or student and the reporting of such incidents to parents (except in certain circumstances) or to the local authority.

Section 248 places a duty on a governing body of a school in England and the proprietor of an Academy, city technology college or city college for the technology of the arts in England to make arrangements to co-operate with at least one other relevant partner with a view to promoting good behaviour.

Section 249(1) changes the name of pupil referral units in England to “short stay schools” and (2) gives the Secretary of State power, by order to make consequential amendments on the change of name. These provisions are no longer to come into force on the 1st September 2010. The effect of articles 2 and 3 is that section 249(3) is to come into force on the 1st September subject to the transitional provision set out in article 3. Section 249(3) inserts a new paragraph 3A into Schedule 1 to the Education Act 1996. The new paragraph 3A enables the Secretary of State to make regulations to make provision about closure of short stay schools and to give directions to local authorities about the exercise of their functions in respect of these schools, but until section 249(1) comes into force any reference to a short stay school or schools is to be read as a reference to a pupil referral unit or units.

Section 250 amends section 43 of the Education Act 1997 by inserting new subsections (2ZA) and (2ZB) requiring schools to ensure that the programme of careers education includes information on apprenticeships.

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