
STATUTORY INSTRUMENTS

2010 No. 303

The Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 2 and Transitional and Saving Provisions) Order 2010

Citation and interpretation

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

(2) In this Order—

“the Act” means the Apprenticeships, Skills, Children and Learning Act 2009;

“relevant young offender institution” means a young offender institution in England, or part of such an institution, other than Ashfield Young Offender Institution, South Gloucestershire;

“the YPLA” means the Young People’s Learning Agency for England.

Provisions coming into force on 26th February 2010

2. The provisions of the Act specified in column 1 of Schedule 1 come into force on 26th February 2010 to the extent specified in column 2 of the Schedule.

Provisions coming into force on 1st April 2010

3.—(1) The provisions of the Act specified in column 1 of Schedule 2 come into force on 1st April 2010.

(2) Where a particular purpose is specified in column 2 of that Schedule in relation to any such provision, the provision comes into force on that date for that purpose only.

Provisions coming into force on 6th April 2010

4. The provisions of the Act specified in column 1 of Schedule 3 come into force on 6th April 2010 to the extent specified in column 2 of the Schedule.

Provisions coming into force on 19th April 2010

5. The provisions of the Act specified in column 1 of Schedule 4 come into force on 19th April 2010 to the extent specified in column 2 of the Schedule.

Provisions coming into force on 1st September 2010

6.—(1) The provisions of the Act specified in column 1 of Schedule 5 come into force on 1st September 2010.

(2) Where a particular purpose is specified in column 2 of that Schedule in relation to any such provision, the provision comes into force on that date for that purpose only.

Provisions coming into force on 6th April 2011

7. The provisions of the Act specified in column 1 of Schedule 6 come into force on 6th April 2011 to the extent specified in column 2 of the Schedule.

Transitional and Saving Provisions

8.—(1) Despite the coming into force of sections 54 and 57 of the Act in accordance with article 3, the amendments to the Education Act 1996 made by those sections in relation to—

- (a) inserting paragraph (ca) in section 509AB(6);
- (b) inserting sections 508G and 508I,

do not have effect in respect of any academic year before the 2011-2012 academic year.

(2) In this article “academic year” has the meaning given by section 509AC of the Education Act 1996.

9.—(1) This article applies in relation to any consultation carried out before 1st April 2010 in respect of the first guidance to be issued to local education authorities under section 72(1) of the Act.

(2) For the purposes of section 72 of the Act, the consultation is to be treated, on and after 1st April 2010, as if it had been carried out under section 72(3) of the Act by the YPLA.

10.—(1) This article applies in relation to the statement of policy most recently published by the Learning and Skills Council for England under section 56B(7) of the 1992 Act (“the current section 56B statement”).

(2) The current section 56B statement is to be treated during the transitional period as prepared by the YPLA with respect to the exercise of its intervention powers (as defined in section 73(6) of the Act).

(3) Anything done by the Learning and Skills Council for England in respect of the current section 56B statement under section 56B(2), (5) or (7) of the 1992 Act is to be treated during the transitional period as done by the YPLA under section 73(2), (3) or (4) (as the case may be) of the Act.

(4) In this article—

“the 1992 Act” means the Further and Higher Education Act 1992;

“the transitional period” means the period beginning with 1st April 2010 and ending with the date on which the YPLA publishes a statement under section 73(4) of the Act.

11.—(1) This article applies in relation to any children and young people’s plan (“the current plan”) prepared by a children’s services authority under section 17 of the Children Act 2004 (“the 2004 Act”) and which has effect immediately before 1st April 2010.

(2) The current plan is to continue to have effect until the relevant date.

(3) The “relevant date” is the date on which the Children’s Trust Board established by arrangements made by the children’s services authority under section 10 of the 2004 Act publishes a new children and young people’s plan.

(4) For the purposes of this article and article 12, a “new children and young people’s plan” means a children and young people’s plan published in accordance with regulations under section 17 of the 2004 Act, as substituted by section 194(3) of the Act.

12.—(1) Despite the coming into force of section 194(9) of the Act in accordance with article 3, the amendments to section 21 of the Education Act 2002 made by that subsection do not have

effect in relation to a school until the relevant Children's Trust Board publishes a new children and young people's plan.

(2) The "relevant Children's Trust Board", in relation to a school, means the Children's Trust Board established by arrangements made under section 10 of the Children Act 2004 by the local education authority by which the school is maintained, in their capacity as a children's services authority (within the meaning of that Act).

10th February 2010

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Department for Children, Schools and Families