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STATUTORY INSTRUMENTS

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**2007 No. 1801 (C. 68)**

**EDUCATION, ENGLAND**

The Education and Inspections Act 2006 (Commencement  
No. 5 and Saving Provisions) Order 2007

Made - - - - 21st June 2007

The Secretary of State for Education and Skills, in exercise of the powers conferred by sections 181 and 188(3) of the Education and Inspections Act 2006<sup>(1)</sup>, makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Education and Inspections Act 2006 (Commencement No. 5 and Saving Provisions) Order 2007.

(2) In this Order—

“the Act” means the Education and Inspections Act 2006, and

“EA 1996” means the Education Act 1996<sup>(2)</sup>.

**Provisions coming into force on 25th June 2007**

2. Section 55(8) and (9) of the Act comes into force in relation to England only on 25th June 2007.

**Provisions coming into force on 1st September 2007**

3. The following provisions of the Act come into force in relation to England only on 1st September 2007—

(a) section 38 to the extent it is not already in force,

(b) section 55 to the extent it is not already in force,

(c) sections 97 to 99,

(d) section 102,

(e) section 108,

(f) section 167,

(g) section 184 to the extent that it relates to the provisions set out in paragraph (h),

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(1) 2006 c.40.

(2) 1996 c.56.

- (h) in Schedule 18 (Part 6), the repeal of—
  - (i) in section 176(3) of the Education Act 2002, the definition of “pupil”,
  - (ii) section 21(4) of the Anti-social Behaviour Act 2003, and
  - (iii) paragraph 42 of Schedule 2 to the Childcare Act 2006.
- 4. The following provisions of the Act come into force on 1st September 2007—
  - (a) section 5 in relation to—
    - (i) primary schools<sup>(3)</sup> which are not special schools, only in relation to the local education authorities listed in Part 1 of the Schedule, and
    - (ii) special schools<sup>(4)</sup>, only in relation to the local education authorities listed in Part 2 of the Schedule,
  - (b) section 77 (1) to the extent it is not already in force,
  - (c) section 77(2) to the extent that it relates to the provisions set out in paragraph (k),
  - (d) section 82,
  - (e) section 84 to the extent it is not already in force, except in relation to travel functions under section 508F,
  - (f) section 85 to the extent that it relates to the provisions set out in paragraph (l),
  - (g) sections 100 and 101,
  - (h) sections 103 to 107,
  - (i) sections 109(8) and 110,
  - (j) section 184 to the extent that it relates to the provisions set out in paragraph (m),
  - (k) Schedule 8 to the extent it inserts paragraph 1 (but only in relation to paragraphs 2 to 7 or 9 and 10), paragraphs 2 to 10, 14 and 15 of Schedule 35B,
  - (l) Schedule 10, to the extent that it is not already in force, except for the words—
    - (i) “section 508F(1)” in paragraphs 1(a) and 2(3), and
    - (ii) “section 508F(3)” in paragraph 3.
  - (m) in Part 6 of Schedule 18, the repeal, in section 509(1B) of EA 1996, of the words “the Learning and Skills Council for England or”, and in paragraphs (b) the words “13 or”.

### **Saving provisions**

5.—(1) Despite the commencement of paragraph 4 of Schedule 10 and the repeal of the words mentioned in article 4(m), section 509 of EA 1996 continues to apply in respect of persons in England who are neither children nor persons of sixth form age.

(2) Despite the commencement of the repeal of section 21(4) of the Anti-social Behaviour Act 2003 in section 99(2)(c) of and Part 6 of Schedule 18 to the Act, section 21(4) continues to apply in relation to parenting orders made, or applied for, before 1st September 2007.

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(3) within the meaning of section 5(1) of EA 1996

(4) within the meaning of section 6(2) of EA 1996

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21st June 2007

*Jim Knight*  
Minister of State  
Department for Education and Skills

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## SCHEDULE

Article 4(a)

## APPLICATION OF SECTION 5 OF THE ACT

## PART 1

## PRIMARY SCHOOLS

1	Barnsley Metropolitan Borough Council
2	Bexley London Borough Council
3	Blackpool Borough Council
4	Bournemouth Borough Council
5	City of Bradford Metropolitan District Council
6	Calderdale Metropolitan, Borough Council
7	Camden London Borough Council
8	Cheshire County Council
9	Bristol City Council
10	Cornwall County Council
11	Council of the Corporation of London
12	Coventry City Council
13	Croydon London Borough Council
14	Darlington Borough Council
15	Derby City Council
16	Ealing London Borough Council
17	Gateshead Council
18	Gloucestershire County Council
19	Greenwich London Borough Council
20	Hackney London Borough Council
21	Hammersmith & Fulham London Borough Council
22	Herefordshire Council
23	Hertfordshire County Council
24	Hounslow London Borough Council
25	Isle of Wight Council
26	The Council of the Royal Borough of Kensington & Chelsea
27	Kent County Council
28	City of Kingston upon Hull

29	Kirklees Metropolitan Council
30	Islington London Borough Council
31	Leicestershire County Council
32	Lewisham London Borough Council
33	Liverpool City Council
34	Medway Council
35	Middlesbrough Council
36	Newham London Borough Council
37	North Lincolnshire Council
38	Northumberland County Council
39	Nottinghamshire County Council
40	Oxfordshire County Council
41	Borough of Poole Council
42	Reading Borough Council
43	Richmond upon Thames London Borough Council
44	Rutland County Council
45	Sefton Metropolitan Borough Council
46	Shropshire County Council
47	South Tyneside Council
48	Southwark London Borough Council
49	St Helens Council
50	Stockton-on-Tees Borough Council
51	Stoke-on-Trent City Council
52	Sunderland City Council
53	Sutton London Borough Council
54	Telford & Wrekin Council
55	Thurrock Borough Council
56	Tower Hamlets London Borough Council
57	Trafford Metropolitan Borough Council
58	Wakefield Metropolitan District Council
59	Waltham Forest London Borough Council
60	Wandsworth London Borough Council
61	Warrington Borough Council
62	Warwickshire County Council

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63	Wigan Metropolitan Borough Council
64	The Council of the Royal Borough of Windsor and Maidenhead
65	Wirral Metropolitan Borough Council
66	Wokingham District Council

## PART 2 SPECIAL SCHOOLS

1	Barnet London Borough Council
2	Bournemouth Borough Council
3	Bracknell Forest Borough Council
4	Cornwall County Council
5	Enfield London Borough Council
6	Halton Borough Council
7	Haringey London Borough Council
8	Hartlepool Borough Council
9	Islington London Borough Council
10	Kent County Council
11	The Council of the Royal Borough of Kingston upon Thames
12	Liverpool City Council
13	Merton London Borough Council
14	Newcastle City Council
15	Newham London Borough Council
16	North Lincolnshire Council
17	North Somerset Council
18	Northamptonshire County Council
19	Oxfordshire County Council
20	Reading Borough Council
21	Richmond upon Thames London Borough Council
22	Rutland County Council
23	Sandwell Metropolitan Borough Council
24	Sefton Metropolitan Borough Council
25	Shropshire County Council
26	South Gloucestershire Council

27	St Helens Council
28	Sutton London Borough Council
29	Warrington Borough Council
30	West Berkshire Council
31	West Sussex County Council
32	Wigan Metropolitan Borough Council
33	Wirral Metropolitan Borough Council

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## EXPLANATORY NOTE

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

This Order is the fifth commencement order made under the Education and Inspections Act 2006 (“the Act”). Articles 3 to 5 contain the provisions of the Act to be commenced (on 1st September 2007 apart from section 55(8) which is to come into force on 25th June 2007). The provisions in Articles 2 and 3 are to be commenced in relation to England only; the Welsh Ministers have the power to commence these provisions in relation to Wales.

Section 5 imposes a duty upon local education authorities in England to appoint a school improvement partner in relation to each school which they maintain. It is commenced in relation to primary schools in the local authority areas listed in Part 1 of the Schedule and in relation to special schools in the local authority areas listed in Part 2 of the Schedule.

The commencement of the remainder of section 38 inserts new section 21 (5) and (8) of the Education Act 2002. These sections require the governing bodies of maintained schools to promote the well-being of pupils at the school, and promote community cohesion

Section 55 amends section 71 of the School Standards and Framework Act 1998 and allows sixth – form pupils themselves to request to be excused from attendance at religious worship at maintained mainstream schools. Section 55(8) substitutes a new section 71(7) requiring regulations to make the same provision in respect of maintained special schools. It is being commenced on x June 2007 in order to allow regulations to be made also to come into force on 1st September 2007.

Section 77(1) is commenced to the extent that it is not already in force, i.e. to the extent that it inserts sections 508B and 508C to the Education Act 1996 (“EA 1996”). These sections impose duties on local authorities to ensure that suitable home to school travel arrangements are made for children in their area.

Section 77(2), which inserts Schedule 35B to EA 1996, is commenced except in relation to paragraphs 11, 12 and 13 of that Schedule. Schedule 35B defines ‘eligible child’ for the purposes of section 508B of EA 1996 i.e. those classes of children whose travel needs fall to be considered under section 508B and provided free of charge. The broad classes of ‘eligible child’ are: (i) children who cannot be expected to walk due to their special educational needs, disability or mobility problems (paragraphs 2 and 3), (ii) children who cannot be expected to walk due to the nature of their route (paragraphs 4 and 5), (iii) children who live outside walking distance (paragraphs 6 to 8), and (iv) children from low income families (paragraphs 9 to 13). Paragraphs 11 to 13 relate to children of 11

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years and above from low income families, and are proposed to be commenced on 1st September 2008, until which time they are excluded from the definition of ‘eligible child’.

Section 82 makes amendments to section 444 of EA 1996 (offence of failing to secure regular attendance at school of registered pupil) consequent on changes to the school travel provisions made by the Act.

Section 84 which inserts section 509AD to EA 1996 (duty to have regard to religion or belief in exercise of travel functions) is commenced in relation to local authority travel functions under sections 508B, 508C and 508E of EA 1996.

Section 85 commences Schedule 10, which makes further amendments to EA 1996, and to transport legislation, consequent on changes to the school travel provisions made by the Act. Despite the amendments made to section 509 of EA 1996 by paragraph 4 of Schedule 10, section 509 (provision of transport) continues to apply in respect of adult learners in England (i.e. persons who are neither children nor persons of sixth form age) as is provided for by Article 5(1).

Part 7, Chapter 2 is fully commenced in relation to England. It includes provisions extending the availability of parenting contracts and parenting orders in respect of misbehaviour at school (sections 97 to 99), requiring local authorities and school governing bodies to provide full time education following exclusion (sections 100 and 101), requiring head teachers to arrange reintegration interviews (section 102), for an offence of a parent failing to ensure an excluded pupil is not present in a public place during school hours (section 103), requiring head teachers to give notices in relation to exclusion, and the full time provision under section 100 or 101 (section 104), for penalty notices in respect of the section 103 offence (sections 105 and 106), and for the extension of police powers to remove truants from public places during school hours in section 16 of the Crime and Disorder Act 1998 (c. 37) to excluded pupils (section 108).

Section 21(4) of the Anti-social Behaviour Act 2003 (c. 38), under which regulations on the costs of parenting orders were made, is repealed, but continues to apply to parenting orders made or applied for before 1st September 2007 as provided for by Article 5(2).

#### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

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

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

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 1, in relation to England only	25th May 2007	<a href="#">SI 2007/935</a>
Sections 2 and 3	25th May 2007	<a href="#">SI 2007/935</a>
Section 4 in relation to England	27th February 2007	<a href="#">SI 2006/3440</a>
Section 5, partially	8th February 2007	<a href="#">SI 2006/3440</a>
Section 5, partially	1st April 2007	<a href="#">SI 2007/935</a>
Sections 7 to 17	25th May 2007	<a href="#">SI 2007/935</a>
Section 18 (1) to (3)	1st April 2007	<a href="#">SI 2007/935</a>
Section 18 (4) and (5)	25th May 2007	<a href="#">SI 2007/935</a>
Sections 19 and 20	25th May 2007	<a href="#">SI 2007/935</a>



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<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Sections 21 to 24	1st April 2007	SI 2007/935
Section 25 (5), (6) and (7)	1st April 2007	SI 2007/935
Section 25 (1) to (4) and (8)	25th May 2007	SI 2007/935
Section 26	1st April 2007	SI 2007/935
Section 27 (1) to (6) and (8)	1st April 2007	SI 2007/935
Section 27 (7)	25th May 2007	SI 2007/935
Sections 28 to 30	25th May 2007	SI 2007/935
Sections 31 and 32	1st April 2007	SI 2007/935
Section 33, partially	1st April 2007	SI 2007/935
Section 33, fully	25th May 2007	SI 2007/935
Section 34	25th May 2007	SI 2007/935
Section 35, partially	1st April 2007	SI 2007/935
Section 35, fully	25th May 2007	SI 2007/935
Section 36	25th May 2007	SI 2007/935
Section 38 (1) partially, in relation to England	25th May 2007	SI 2007/1271
Section 38 (2) in relation to England	25th May 2007	SI 2007/1271
Section 39 in relation to England	27th February 2007	SI 2006/3440
Section 40 in relation to England	12th December 2006	SI 2006/2990
Section 41	27th February 2007	SI 2006/3440
Section 42	27th February 2007	SI 2006/3440
Section 43 in relation to England	8th January 2007	SI 2006/3400
Section 44 in relation to England	27th February 2007	SI 2006/3400
Section 45 in relation to England	8th January 2007	SI 2006/3400
Section 46	27th February 2007	SI 2006/3400
Section 47 in relation to England	27th February 2007	SI 2006/3400
Section 48	8th January 2007	SI 2006/3400
Section 49	8th January 2007	SI 2006/3400
Section 50	8th January 2007	SI 2006/3400

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<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 51	8th January 2007	SI 2006/3400
Section 53	27th February 2007	SI 2006/3400
Section 54 (1), (2) and (3) (b)	8th January 2007	SI 2006/3400
Section 54, fully	25th May 2007	SI 2007/935
Section 56 in relation to England	25th May 2007	SI 2007/935
Section 57 in relation to England	8th February 2007	SI 2006/3400
Sections 59 to 73	1st April 2007	SI 2007/935
Section 74 (4)	1st April 2007	SI 2007/935
Section 76	1st April 2007	SI 2007/935
Section 77 (1), partially	1st April 2007	SI 2007/935
Sections 78 to 80	1st April 2007	SI 2007/935
Section 83	1st April 2007	SI 2007/935
Section 84, partially	1st April 2007	SI 2007/935
Section 85, partially	1st April 2007	SI 2007/935
Sections 88 to 96 in relation to England	1st April 2007	SI 2007/935
Section 112 (1) to (3)	12th December 2006	SI 2006/2990
Section 112 (4), partially	12th December 2006	SI 2006/2990
Section 112 (4), fully	1st April 2007	SI 2007/935
Sections 113 to 115	1st April 2007	SI 2007/935
Section 116 (1) (a) and (b)	12th December 2006	SI 2006/2990
Section 116 (1) (c) and (2)	1st April 2007	SI 2007/935
Section 117	12th December 2006	SI 2006/2990
Sections 118 to 153	1st April 2007	SI 2007/935
Section 155	1st April 2007	SI 2007/935
Section 157	1st April 2007	SI 2007/935
Section 158, partially	12th December 2006	SI 2006/2990
Section 158, fully	1st April 2007	SI 2007/935
Section 159	12th December 2006	SI 2006/2990
Section 160	28th March 2007	SI 2007/935
Section 163	8th January 2007	SI 2006/3400

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<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 164 in relation to England	28th March 2007	SI 2007/935
Sections 165 to 166 in relation to England	1st April 2007	SI 2007/935
Section 173	8th January 2007	SI 2006/3400
Section 176	1st April 2007	SI 2007/935
Section 184, partially	12th December 2006	SI 2006/2990
Section 184 (partially), in relation to England	8th January 2007	SI 2006/3400
Section 184, partially	8th January 2007	SI 2006/3400
Section 184 (partially), in relation to England	8th February 2007	SI 2006/3400
Section 184 (partially) in relation to England	27th February 2007	SI 2006/3400
Section 184, partially	27th February 2007	SI 2006/3400
Section 184 (partially) in relation to England	1st April 2007	SI 2007/935
Section 184, partially	1st April 2007	SI 2007/935
Section 184 (partially) in relation to England	25th May 2007	SI 2007/935
Section 184, partially	25th May 2007	SI 2007/935
Schedule 2, partially	1st April 2007	SI 2007/935
Schedule 2, fully	25th May 2007	SI 2007/935
Schedule 3	25th May 2007	SI 2007/935
Schedule 4	25th May 2007	SI 2007/935
Schedule 5 in relation to England	8th February 2007	SI 2006/3400
Schedule 6	1st April 2007	SI 2007/935
Schedule 7	1st April 2007	SI 2007/935
Schedule 9	1st April 2007	SI 2007/935
Schedule 10, partially	1st April 2007	SI 2007/935
Schedule 11, partially	12th December 2006	SI 2006/2990
Schedule 11, fully	1st April 2007	SI 2007/935
Schedules 12 to 14	1st April 2007	SI 2007/935
Schedule 15, partially	12th December 2006	SI 2006/2990
Schedule 15, fully	1st April 2007	SI 2007/935

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<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Schedule 18, partially	12th December 2006	SI 2006/2990
Schedule 18 (partially), in relation to England	8th January 2007	SI 2006/3400
Schedule 18, partially	8th January 2007	SI 2006/3400
Schedule 18 (partially), in relation to England	8th February 2007	SI 2006/3400
Schedule 18 (partially) in relation to England	1st April 2007	SI 2007/935
Schedule 18, partially	1st April 2007	SI 2007/935
Schedule 18 (partially) in relation to England	25th May 2007	SI 2007/935
Schedule 18, partially	25th May 2007	SI 2007/935