

**2012 No. 84 (C. 4)**

**EDUCATION, ENGLAND**

**The Education Act 2011 (Commencement No. 2 and  
Transitional and Savings Provisions) Order 2012**

*Made* - - - -

*12th January 2012*

The Secretary of State for Education makes the following Order in exercise of the powers conferred by section 82(3) and (7) of the Education Act 2011(a).

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Education Act 2011 (Commencement No. 2 and Transitional and Savings Provisions) Order 2012.

(2) In this Order—

“EIA 2006” means the Education and Inspections Act 2006(b);

“EA 2011” means the Education Act 2011.

**Provisions coming into force on 15th January 2012**

**2.** The following provisions of EA 2011 come into force on 15th January 2012:

section 5;

section 51;

paragraph 15 of Schedule 8 and section 26(1) and paragraph 11 of that Schedule in so far as they relate to that paragraph;

paragraph 26 of Schedule 8 in so far as it repeals paragraph 37 of Schedule 12 to the Apprenticeships, Skills, Children and Learning Act 2009(c) and section 26(1) and paragraph 22 of Schedule 8 in so far as they relate to paragraph 26.

**Provisions coming into force on 1st February 2012**

**3.** The following provisions of EA 2011 come into force on 1st February 2012:

sections 18 to 20;

section 22;

section 28(5);

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(a) 2011 c. 21.

(b) 2006 c. 40.

(c) 2009 c. 22.

section 29(1), (2) and (8) for the purposes only of making regulations under section 46 of the Education Act 1997(a);

section 32;

section 34 and Schedule 10;

sections 35 and 36;

in Schedule 11, paragraphs 3 to 11, and paragraph 2 so far as it relates to a new school that is not a pupil referral unit or a maintained nursery school, and section 37 and paragraph 1 to the extent that they relate to those paragraphs;

section 40(4);

section 42(8);

section 43;

section 46;

section 52;

section 53 for the purposes only of applying for and making Academy orders in respect of alternative provision Academies under sections 3 and 4 of the Academies Act 2010(b);

sections 55 and 56;

sections 59 and 60;

section 62;

section 63 and Schedule 14;

section 64;

section 65 and Schedule 15;

section 74.

### **Transitional and savings provisions**

**4.** Despite the coming into force of section 37 of, and Schedule 11 to, EA 2011 that section and Schedule shall not have effect in relation to a case where—

- (a) a notice has been published by a local authority in England under section 7(1) of EIA 2006 (invitation for proposals for establishment of new schools) before 1st February 2012;
- (b) proposals have been published by a local authority in England or by any persons under section 10(1) or (2) of EIA 2006 (publication of proposals with consent of Secretary of State) before 1st February 2012; or
- (c) proposals have been published by a local authority in England or by any persons under section 11(1) or (2) of EIA 2006 (publication of proposals to establish maintained schools (special cases)) before 1st February 2012.

**5.** Until section 53 of EA 2011 is fully in force, Schedule 14 to that Act has effect as if the words “or 16 to 19 Academy” and “or a 16 to 19 Academy” were omitted in every place they occur.

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(a) 1997 c.44  
(b) 2010 c.32

12th January 2012

Nick Gibb  
Minister of State  
Department for Education

### **EXPLANATORY NOTE**

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

This Order brings into force on 15th January 2012 and 1st February 2012 certain provisions of the Education Act 2011 as listed in Articles 2 and 3 respectively.

Article 2 brings into force on 15th January 2012 section 5, which repeals the requirement to give notice of detention to parents of a pupil at a school in England; section 51, which repeals the provision in the Apprenticeships, Skills, Children and Learning Act 2009 (which has not been brought into force), that changed the name of pupil referral units; and paragraph 15 of Schedule 8, which substitutes a new section 96 in the Education Act 2002 (procedure for making certain orders and regulations) and paragraph 26 of that Schedule in so far as it makes amendments in consequence of the amendment made by paragraph 15.

Article 3 brings a number of provisions into force on 1st February 2012 including the following provisions. Section 18 abolishes the School Support Staff Negotiating Body; section 19 makes changes to the legislation on the effect on staffing of maintained schools as a result of the suspension of a school's delegated budget; and section 20 enables the Secretary of State to secure the participation of certain schools in England in international education surveys. Section 22 provides for Ofqual's new qualifications standards objective. Section 28(5) removes the prohibition in section 76A of the Education and Skills Act 2008 on the disclosure of certain information in connection with education and training support services; section 32 repeals the duty on the governing body of certain schools to prepare and publish school profiles; section 34 and Schedule 10, and section 35 make changes to duties in relation to school admissions and school meals respectively. Section 36 makes changes to the law relating to who may object to admission arrangements; section 37 makes changes to the law relating to the establishment of new schools (save for pupil referral units and maintained nursery schools). Sections 40(4) and 42(8) allow the Chief Inspector to charge for certain inspections. Section 43 makes provision regarding the inspection of boarding accommodation, and section 46 makes changes relating to financial schemes which local authorities are required to prepare and maintain under section 48 of the Schools Standards and Framework Act 1998.

Article 3 also brings into force the provisions in Part 6, which is concerned with Academies, which are not brought into force by the Act itself, except for sections 54 (consequential amendments: 16 to 19 Academies and alternative provision Academies), and 57 (Academy conversions: federated schools). Section 53, which allows for three different types of Academy, is only partially commenced.

Section 74 is concerned with the commencement of the provisions relating to the duty to participate in education or training.

This Order also makes transitional and savings provisions in respect of proposals for the establishment of new schools and the effect of Schedule 14.

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

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

The following provision of this Act has been brought into force by a commencement order made before the date of this Order.

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 44	17th November 2011	2011/2750

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