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STATUTORY INSTRUMENTS

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**2013 No. 1204 (C. 52)**

**EDUCATION, ENGLAND AND WALES**

**The Education and Skills Act 2008 (Commencement  
No. 9 and Transitory Provision) Order 2013**

*Made* - - - - *23rd May 2013*

The Secretary of State for Education makes the following Order in exercise of the powers conferred by section 173(4), (8)(c) and (9)(a) of the Education and Skills Act 2008<sup>(1)</sup>.

**Citation and interpretation**

1.—(1) This Order may be cited as the Education and Skills Act 2008 (Commencement No. 9 and Transitory Provision) Order 2013.

(2) In this Order “the 2008 Act” means the Education and Skills Act 2008.

**Provisions coming into force on 28th June 2013**

2. The following provisions of the 2008 Act come into force on 28th June 2013—

- (a) section 1 (persons to whom Part 1 applies) with the substitution of “the first anniversary of the date on which the person ceased to be of compulsory school age” for “the age of 18” in subsection (b);
- (b) section 2 (duty to participate in education or training);
- (c) section 3 (level 3 qualification);
- (d) section 4 (appropriate full-time education or training);
- (e) section 5 (full-time occupation);
- (f) section 6 (relevant training or education);
- (g) section 7 (relevant period);
- (h) section 8 (sufficient relevant training or education);
- (i) section 10 (local authority to promote fulfilment of duty imposed by section 2);
- (j) section 11 (educational institutions: promotion of good attendance);
- (k) section 12 (duty to make arrangements to identify persons not fulfilling duty imposed by section 2);

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(1) 2008 c. 25. Section 173(9) and (10) were substituted by section 74 of the Education Act 2011 (c. 21).

- (l) section 13 (notification of non-compliance with duty imposed by section 2);
- (m) section 14 (educational institutions: duty to provide information);
- (n) section 16 (supply of information by public bodies);
- (o) section 17 (sharing and use of information held for purposes of support services or functions);
- (p) section 18 (guidance);
- (q) section 39(1) and (2) (other amendments of Employment Rights Act 1996);
- (r) section 62(1), (2), (5) and (6) (Crown employment);
- (s) section 64(1), (2) and (5) (House of Commons staff); and
- (t) section 66 (interpretation).

**Provision coming into force on 26th June 2015**

3. Section 1 of the 2008 Act comes into force on 26th June 2015, to the extent that it is not already in force.

**Transitory provision**

4. Until section 29 of the 2008 Act (sections 27 and 28: extension for person reaching 18) comes into force section 39(2) of that Act (other amendments of Employment Rights Act 1996) shall have effect as if the words “, or is treated by section 29 of that Act (extension for person reaching 18) as applying” were omitted.

23rd May 2013

*Matthew Hancock*  
Parliamentary Under Secretary of State  
Department for Education

## EXPLANATORY NOTE

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

This is the ninth commencement order made under the Education and Skills Act 2008 (“the 2008 Act”).

Article 2 brings into force on 28th June 2013 the following provisions of Chapters 1, 2 and 6 of Part 1 of the 2008 Act (duty to participate in education or training)—

- (a) section 1, which sets out the persons to whom the duties in Part 1 apply, is commenced partially so that the duty on young people in England to participate in education or training applies until “the first anniversary of the date on which the person ceased to be of compulsory school age” rather than to the age of 18;
- (b) section 2, which creates the duty to participate in education and details the ways in which young people may fulfil that duty;
- (c) section 3, which sets out the definition of level 3 qualification;
- (d) section 4, which sets out the definition of full-time education or training;
- (e) section 5, which sets out the definition of full-time occupation;
- (f) section 6, which defines relevant training or education for people who are fulfilling the duty to participate through the route described in section 2(1)(c);
- (g) section 7, which provides for the dates on which a relevant period begins and ends to be set by regulations;
- (h) section 8, which sets “sufficient” relevant education and training;
- (i) section 10, which establishes a duty on local authorities to promote participation in education or training of young people in their area who are subject to the duty to participate in section 2;
- (j) section 11, which places a new duty on certain educational institutions in England to promote attendance for the purpose of enabling young people to meet the duty to participate in section 2;
- (k) section 12, which places a duty on local authorities to identify those young people in their area who are subject to the duty to participate and are not participating;
- (l) section 13, which sets out educational institutions’ duties if they believe that a person is not fulfilling the duty to participate in education or training;
- (m) section 14, which sets out the information that educational institutions must provide to enable local authorities to identify young people who are not participating;
- (n) section 16, which sets out certain bodies that may share information about a young person with a local authority in order for it to fulfil its functions;
- (o) section 17, which allows information held by local authorities and their service providers to be shared and used for the purposes of Part 1 of the Act;
- (p) section 18, which requires a local authority to have regard to any guidance issued by the Secretary of State when exercising their functions under Part 1 of the Act;
- (q) section 39(1) and (2), which amends section 63A of the Employment Rights Act 1996, which establishes a right to paid time off for young people aged 16-19 if they do not

already have a level 2 qualification, so that it does not apply to people subject to the duty to participate;

- (r) sections 62(1), (2), (5) and (6) and 64(1), (2) and (5), which set out how the duties in the Act apply in relation to Crown employees and those employed in the House of Commons; and
- (s) section 66, which contains interpretation provisions.

Article 3 brings section 1 fully into force on 26th June 2015.

Article 4 makes a transitory provision in relation to section 39(2) of the 2008 Act, which applies until section 29 of the 2008 Act is brought into force.

An impact assessment has not been produced for this instrument as no impact on the private sector or civil society organisations is foreseen. The impact on the public sector is minimal.

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

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 68 to 78	26th January 2009	<a href="#">2008/3077</a>
Section 79 (partially)	26th January 2009	<a href="#">2008/3077</a>
Section 79 (partially)	12th January 2010	<a href="#">2009/3316</a>
Section 81	1st September 2009	<a href="#">2009/1513</a>
Section 82	28th February 2009	<a href="#">2009/387</a>
Sections 83 and 84	7th March 2009	<a href="#">2009/387</a>
Section 85	28th February 2009	<a href="#">2009/387</a>
Section 86 (partially)	19th June 2009	<a href="#">2009/1513</a>
Section 86 (remainder)	1st August 2009	<a href="#">2009/1606</a>
Sections 87 to 91	26th January 2009	<a href="#">2008/3077</a>
Section 92 (partially)	19th June 2009	<a href="#">2009/1513</a>
Section 92 (partially)	1st September 2009	<a href="#">2009/1606</a>
Section 93	1st September 2009	<a href="#">2009/1606</a>
Sections 94 to 97 (partially)	19th June 2009	<a href="#">2009/1513</a>
Sections 98 and 99 (partially)	19th June 2009	<a href="#">2009/1513</a>
Sections 98 and 99 (remainder)	1st January 2011	<a href="#">2010/2906</a>
Sections 100 to 110	19th June 2009	<a href="#">2009/1513</a>
Section 111 (partially)	19th June 2009	<a href="#">2009/1513</a>
Section 111 (remainder)	1st September 2009	<a href="#">2009/1606</a>
Section 112 (partially)	1st September 2009	<a href="#">2009/1606</a>
Sections 113 to 116	19th June 2009	<a href="#">2009/1513</a>
Section 117 (partially)	12th October 2009	<a href="#">2009/1606</a>
Section 118 (partially)	19th June 2009	<a href="#">2009/1513</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 119 (partially)	19th June 2009	<a href="#">2009/1513</a>
Section 119 (remainder)	12th October 2009	<a href="#">2009/1606</a>
Sections 120 to 123 (partially)	19th June 2009	<a href="#">2009/1513</a>
Section 123 (remainder)	1st January 2011	<a href="#">2010/2906</a>
Section 124 (partially)	12th October 2009	<a href="#">2009/1606</a>
Section 124 (partially)	1st January 2011	<a href="#">2010/2906</a>
Sections 125 and 126	19th June 2009	<a href="#">2009/1513</a>
Section 127	12th October 2009	<a href="#">2009/1606</a>
Sections 128 to 133 (partially)	19th June 2009	<a href="#">2009/1513</a>
Sections 134 to 136 (partially)	19th June 2009	<a href="#">2009/1513</a>
Sections 134 to 136	12th October 2009	<a href="#">2009/1606</a>
Section 137	1st September 2009	<a href="#">2009/1606</a>
Section 138 (partially)	1st September 2009	<a href="#">2009/1606</a>
Section 138 (partially)	12th October 2009	<a href="#">2009/1606</a>
Section 138 (partially)	1st January 2011	<a href="#">2010/2906</a>
Section 139 (partially)	19th June 2009	<a href="#">2009/1513</a>
Section 140 (partially)	19th June 2009	<a href="#">2009/1513</a>
Section 140 (partially)	1st September 2009	<a href="#">2009/1606</a>
Section 141 (partially)	19th June 2009	<a href="#">2009/1513</a>
Section 142	30th March 2010	<a href="#">2010/1093</a>
Section 143	30th March 2010	<a href="#">2010/1093</a>
Section 144	30th March 2010	<a href="#">2010/1093</a>
Section 145	30th March 2010	<a href="#">2010/1093</a>
Section 146	1st September 2009	<a href="#">2009/1513</a>
Section 147	1st September 2009	<a href="#">2009/1513</a>
Section 148	1st September 2009	<a href="#">2009/1513</a>
Section 150	26th January 2009	<a href="#">2008/3077</a>
Section 151 (partially)	2nd December 2008	<a href="#">2008/3077</a>
Section 151 (remainder)	26th January 2009	<a href="#">2008/3077</a>
Sections 152 and 153	26th January 2009	<a href="#">2008/3077</a>
Section 154 (partially)	30th March 2010	<a href="#">2010/1093</a>
Section 154 (remainder)	1st September 2010	<a href="#">2010/1093</a>
Section 155	3rd September 2012	<a href="#">2012/2197</a>

**Status:** This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 159	28th February 2009	<a href="#">2009/387</a>
Section 161(1), (2), (3)(a) and (5) to (9)	28th February 2009	<a href="#">2009/387</a>
Section 162(1), (2), (3)(a) and (b) and (4) to (10)	31st March 2009	<a href="#">2009/784</a>
Section 162(3)(c)	31st October 2009	<a href="#">2009/784</a>
Section 165	26th January 2009	<a href="#">2008/3077</a>
Section 169(1) (partially)	2nd December 2008 and 26th January 2009	<a href="#">2008/3077</a>
Section 169(1) (partially)	1st September 2009	<a href="#">2009/1606</a>
Section 169(1) (partially)	30th March 2010	<a href="#">2010/1093</a>
Section 169(2) (partially)	2nd December 2008 and 26th January 2009	<a href="#">2008/3077</a>
Section 169(2) (partially)	1st September 2009	<a href="#">2009/1513</a>
Section 169(2) (partially)	1st September 2009	<a href="#">2009/1606</a>
Section 169(2) (partially)	30th March 2010	<a href="#">2010/1093</a>
Schedule 1, paragraphs 13 and 18 (partially)	1st September 2009	<a href="#">2009/1606</a>
Schedule 1, paragraphs 53 (partially), 54(5) to (7), 57, 58, 61 to 64 and 68 to 73	2nd December 2008	<a href="#">2008/3077</a>
Schedule 1, paragraphs 44 to 47, 53 (remainder), 54 (remainder), 55, 56, 59, 60, 65 to 67, 78, 81 to 85 and 89	26th January 2009	<a href="#">2008/3077</a>
Schedule 1, paragraph 74	30th March 2010	<a href="#">2010/1093</a>
Schedule 1, paragraphs 43, 48 (partially), 50, 51, 52 and 80	3rd September 2012	<a href="#">2012/2197</a>
Schedule 2 (partially)	26th January 2009	<a href="#">2008/3077</a>
Schedule 2 (partially)	1st September 2009	<a href="#">2009/1513</a>
Schedule 2 (partially)	1st September 2009	<a href="#">2009/1606</a>
Schedule 2 (partially)	30th March 2010	<a href="#">2010/1093</a>