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STATUTORY INSTRUMENTS

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**2014 No. 2379 (C. 103)**

**EDUCATION, ENGLAND**

**The Education and Skills Act 2008 (Commencement  
No. 10 and Transitory Provisions) Order 2014**

*Made - - - - 2nd September 2014*

The Secretary of State for Education makes the following Order in exercise of the powers conferred by section 173(4) and (8) 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. 10 and Transitory Provisions) Order 2014.

(2) In this Order—

“the 2002 Act” means the Education Act 2002<sup>(2)</sup>;

“the 2008 Act” means the Education and Skills Act 2008; and

“registration authority” has the meaning given to it in section 171 of the 2002 Act.

**Provisions coming into force on 8th September 2014**

**2.** The following provisions of the 2008 Act come into force on 8th September 2014—

(a) section 106 (independent inspectorates) so far as not already in force;

(b) section 107 (quality assurance of independent inspectorates) so far as not already in force;

(c) section 128 (prohibition on participation in management) so far as not already in force;

(d) section 129 (directions under section 128: appeals) so far as not already in force;

(e) section 130 (directions under section 128: information) so far as not already in force;

(f) section 131 (directions under section 128: notification) so far as not already in force;

(g) section 138(1) (interpretation of Chapter 1 of Part 4) so far as not already in force and so far as necessary for the interpretation of provisions brought into force by this article or made under such provisions; and

(h) paragraph 12 of Schedule 1 (minor and consequential amendments) and section 169(1) so far as it relates to that amendment.

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(1) 2008 c.25.

(2) 2002 c.32.

**Transitory provisions in connection with the commencement of sections 106 and 128 of the 2008 Act**

3. (1) Until the coming into force of section 95(1) of the 2008 Act (register of independent educational institutions for England) for all purposes, the provisions of the 2008 Act referred to in sub-paragraphs (a) and (b) have effect subject to the modifications specified in those sub-paragraphs

- (a) sections 106 and 128 have effect as if references in each of them to an independent educational institution were references to an independent school entered in the register referred to in section 158(1)(a) of the 2002 Act; and
- (b) section 138(1) of the 2008 Act has effect as if the reference in the definition of “the register” to the register of independent educational institutions in England kept by the Secretary of State under section 95 of the 2008 Act were a reference to the register of independent schools in England referred to in section 158(1)(a) of the 2002 Act.

(2) Until the coming into force of section 109(3) of the 2008 Act (duty to inspect registered institution on direction of Secretary of State) for all purposes, a body approved by the Secretary of State for the purposes of section 106 of the 2008 Act is to be treated as a body approved by the registration authority under section 162A(1)(b) of the 2002 Act.

2nd September 2014

*John Nash*  
Parliamentary Under Secretary of State  
Department for Education

## EXPLANATORY NOTE

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

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

Article 2 brings into force on 1st September 2014 the following provisions of the 2008 Act to the extent set out in that article—

- (a) section 106 (approval of independent inspectorates) and section 107 (quality assurance of independent inspectorates);
- (b) section 128 (power to make a direction prohibiting a person from participating in the management of an independent school), section 129 (right of appeal in relation to a direction made under section 128), section 130 (provision of information which is relevant to the exercise of functions under section 128 or by virtue of section 129) and section 131 (duty to notify the Secretary of State and the Welsh Ministers of a direction made, varied or revoked under section 128);
- (c) section 138(1) (interpretation);
- (d) paragraph 12 of Schedule 1 (minor and consequential amendments) and section 169(1) so far as it relates to that amendment.

Article 3 contains transitory provisions in connection with the commencement of sections 106 and 128 of the 2008 Act. Two provisions will have effect until section 95(1) of the 2008 Act (register of independent educational institutions) is brought into force for all purposes. The other will have effect until section 109(3) of the 2008 Act (duty to inspect registered institution on direction of Secretary of State) is brought into force for all purposes.

Until section 95(1) of the 2008 Act is brought into force for all purposes, references in sections 106 and 128 of the 2008 Act to an independent educational institution are modified to refer to an independent school. The definition of “the register” in section 138(1) of the 2008 Act is modified to refer to the register of independent schools referred to in section 158(1)(a) of the Education Act 2002.

Until section 109(3) of the 2008 Act (duty to inspect registered institution on direction of Secretary of State) is brought into force for all purposes a body approved by the Secretary of State for the purposes of section 106 of the 2008 Act is to be treated as a body approved by the registration authority under section 162A(1)(b) of the Education Act 2002.

## 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>
Section 1 (with substitution)	28th June 2013	<a href="#">2013/1204</a>
Section 1 (remainder)	26th June 2015	<a href="#">2013/1204</a>
Sections 2 to 8	28th June 2013	<a href="#">2013/1204</a>
Sections 10 to 14	28th June 2013	<a href="#">2013/1204</a>
Sections 16 to 18	28th June 2013	<a href="#">2013/1204</a>
Section 39(1) and (2)	28th June 2013	<a href="#">2013/1204</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 62(1), (2), (5) and (6)	28th June 2013	2013/1204
Section 64(1), (2) and (5)	28th June 2013	2013/1204
Section 66	28th June 2013	2013/1204
Sections 68 to 78	26th January 2009	2008/3077
Section 79 (partially)	26th January 2009	2008/3077
Section 79 (partially)	12th January 2010	2009/3316
Section 81	1st September 2009	2009/1513
Section 82	28th February 2009	2009/387
Sections 83 and 84	7th March 2009	2009/387
Section 85	28th February 2009	2009/387
Section 86 (partially)	19th June 2009	2009/1513
Section 86 (remainder)	1st August 2009	2009/1606
Sections 87 to 91	26th January 2009	2008/3077
Section 92 (partially)	19th June 2009	2009/1513
Section 92 (partially)	1st September 2009	2009/1606
Section 93	1st September 2009	2009/1606
Sections 94 to 97 (partially)	19th June 2009	2009/1513
Sections 98 and 99 (partially)	19th June 2009	2009/1513
Sections 98 and 99 (remainder)	1st January 2011	2009/2906
Sections 100 to 110 (partially)	19th June 2009	2009/1513
Section 111 (partially)	19th June 2009	2009/1513
Section 111 (remainder)	1st September 2009	2009/1606
Section 112 (partially)	1st September 2009	2009/1606
Sections 113 to 116	19th June 2009	2009/1513
Section 117 (partially)	12th October 2009	2009/1606
Section 118 (partially)	19th June 2009	2009/1513
Section 119 (partially)	19th June 2009	2009/1513
Section 119 (remainder)	12th October 2009	2009/1606
Sections 120 to 123 (partially)	19th June 2009	2009/1513
Section 123 (remainder)	1st January 2011	2009/2906
Section 124 (partially)	12th October 2009	2009/1606
Section 124 (partially)	1st January 2011	2009/2906
Sections 125 and 126	19th June 2009	2009/1513

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 127	12th October 2009	2009/1606
Sections 128 to 133 (partially)	19th June 2009	2009/1513
Sections 134 to 136 (partially)	19th June 2009	2009/1513
Sections 134 to 136	12th October 2009	2009/1606
Section 137	1st September 2009	2009/1606
Section 138 (partially)	1st September 2009	2009/1606
Section 138 (partially)	12th October 2009	2009/1606
Section 138 (partially)	1st January 2011	2009/2906
Section 139 (partially)	19th June 2009	2009/1513
Section 140 (partially)	19th June 2009	2009/1513
Section 140 (partially)	1st September 2009	2009/1606
Section 141 (partially)	19th June 2009	2009/1513
Section 142	30th March 2010	2010/1093
Section 143	30th March 2010	2010/1093
Section 144	30th March 2010	2010/1093
Section 145	30th March 2010	2010/1093
Section 146	1st September 2009	2009/1513
Section 147	1st September 2009	2009/1513
Section 148	1st September 2009	2009/1513
Section 150	26th January 2009	2008/3077
Section 151 (partially)	2nd December 2008	2008/3077
Section 151 (remainder)	26th January 2009	2008/3077
Sections 152 and 153	26th January 2009	2008/3077
Section 154 (partially)	30th March 2010	2010/1093
Section 154 (remainder)	1st September 2010	2010/1093
Section 155	3rd September 2012	2012/2197
Section 159	28th February 2009	2009/387
Section 161(1), (2), (3)(a) and (5) to (9)	28th February 2009	2009/387
Section 162(1), (2), (3)(a) and (b) and (4) to (10)	31st March 2009	2009/784
Section 162(3)(c)	31st October 2009	2009/784
Section 165	26th January 2009	2008/3077
Section 169(1) (partially)	2nd December 2008 and 26th January 2009	2008/3077

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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>