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1980 No. 959 (C. 40)

**EDUCATION, ENGLAND AND WALES**

**The Education Act 1980 (Commencement No. 2) Order 1980**

*Made* - - - 8th July 1980

In exercise of the powers conferred on the Secretary of State by section 37 of the Education Act 1980(a), I hereby make the following Order:—

*Citation*

1. This Order may be cited as the Education Act 1980 (Commencement No. 2) Order 1980.

*Interpretation*

2. In this Order “the Act” means the Education Act 1980.

*Coming into force of certain provisions of the Act*

3. The provisions of the Act specified in column 1 of each of the first two Schedules to this Order (which relate to the matters specified in column 2 thereof) shall come into force on the day specified in the heading to that Schedule.

*Transitional provisions*

4. The transitional provisions contained in Schedule 3 to this Order shall have effect in connection with the provisions of the Act brought into force by this Order which are referred to in that Schedule.

SCHEDULE 1

PROVISIONS COMING INTO FORCE ON 1ST OCTOBER 1980

| Provisions of the Act  | Subject matter of provisions  |
|--|---|
| Section 6<br>Section 7<br>Section 8<br>Section 9<br>Section 17<br>Section 18<br>Section 34<br>Section 38,<br>so far as not already in force,<br>that is to say, subsection (4)<br>Schedule 2<br>Schedule 4 | Parental preferences.<br>Appeals against admission decisions.<br>Information as to schools and admission arrangements.<br>Nursery schools and special schools.<br>Assisted places at independent schools.<br>Incidental expenses of pupils holding assisted places.<br>Definition and registration of independent schools.<br>Definition of child.<br><br>School admission appeals.<br>Termination of participation agreements. |

(a) 1980 c. 20.

## SCHEDULE 2

## PROVISIONS COMING INTO FORCE ON 1ST JULY 1982

| Provisions of the Act   | Subject matter of provisions           |
|---|--|
| Section 10,<br>so far as not already in force,<br>that is to say, subsections (1)<br>to (4) | School attendance orders.              |
| Section 11  | Amendment of school attendance orders. |

## SCHEDULE 3

## TRANSITIONAL PROVISIONS

1.—(1) This paragraph shall have effect in connection with sections 6, 7 and 8 of the Act (brought into force on 1st October 1980).

(2) The said sections shall not have effect in relation to the admission or proposed admission of a child to a school before the first day of the autumn term at the school in question in 1982 ("the relevant date").

(3) In accordance with sub-paragraph (2) above—

- (a) the reference in section 6(1) to education to be provided for a child shall be construed as a reference to education to be provided on or after the relevant date;
- (b) the duty imposed by section 6(2) and (5) shall not apply in relation to a preference expressed as to education to be provided before the relevant date or an application for admission to a school before that date;
- (c) the references in section 7(1) and (2) to education to be provided for a child or the admission of a child to a school shall be construed as references to education to be provided on or after the relevant date or admission on or after that date;
- (d) the references in section 8(1) and (2) to the admission of pupils or the provision of education shall be construed as references to admission on or after the relevant date or the provision of education on or after that date.

2.—(1) This paragraph shall have effect in connection with section 10(1) to (4) of the Act (brought into force on 1st July 1982).

(2) Section 10(1) to (4) shall not apply in a case in which notice of intention to serve a school attendance order has been served, in pursuance of proviso (a) to subsection (2) of section 37 of the Education Act 1944(a), before 1st July 1982 and, accordingly, in such a case the proviso to subsection (2) and subsection (3) of the said section 37 (as amended by section 10(6) of the Act) shall continue to have effect.

3.—(1) This paragraph shall have effect in connection with section 11 of the Act (brought into force on 1st July 1982).

(2) Section 11 shall not apply in a case in which application for the amendment of a school attendance order has been made, in pursuance of section 37(4) of the Education Act 1944, before 1st July 1982 until that application has been finally determined and, accordingly, in relation to such an application, the said section 37(4) shall continue to have effect.

*Mark Carlisle,*

One of Her Majesty's Principal  
Secretaries of State.

8th July 1980.

(a) 1944 c. 31.

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**EXPLANATORY NOTE**

*(This Note is not part of the Order.)*

This Order brings into force (subject to the transitional provisions in Schedule 3) all the provisions of the Education Act 1980 not brought into force by the Education Act 1980 (Commencement No. 1) Order 1980 (S.I. 1980/489) other than sections 2 to 5 (school governing bodies), sections 27 and 33(3) (school and further education regulations) and related repeals of existing enactments in Schedule 7.

By reason of the transitional provisions in paragraph 1 of Schedule 3 to the Order, sections 6, 7 and 8 (admission to schools), though brought into force on 1st October 1980, do not apply in relation to admissions before the beginning of the autumn school term in 1982. Paragraphs 2 and 3 of Schedule 3 make transitional provisions in connection with sections 10 and 11 (school attendance orders) which are brought into force on 1st July 1982.

