
EXPLANATORY NOTE

This Order brings into force certain provisions of the Education (No. 2) Act 1986. The provisions specified in Schedule 1 to the Order are brought into force on 7th January 1987, subject to certain transitional provisions which are set out in Schedule 3 to the Order. Those specified in Schedule 2 to the Order are brought into force on 1st April 1987.

Paragraph 1 of Schedule 3 to the Order (which applies to county, voluntary and maintained special schools) prevents the bringing into force by the Order of sections 30 and 31 of the Act from operating so as to require the provisions of those sections to be incorporated in articles of government for a school, until (following the bringing into force of section 1 of the Act) new articles of government are made for the school. Pending the making of new articles of government for the school, those sections are to be construed, in relation to the school, as though the requirements for annual reports to parents and annual parents' meetings were direct statutory requirements, instead of requirements to be imposed on governing bodies under articles of government. Paragraph 1 also provides for sections 30 and 31 to be construed as though they included the provisions applicable to grouped schools contained in paragraphs 4 and 5 of Schedule 1 to the Act. Sub-paragraph (4) of paragraph 1 of Schedule 3 makes a minor adaptation to the provisions of section 30 of the Act so that the first annual report to parents prepared by the governing body of a school under that section will cover the period from 7th January 1987.

By virtue of paragraph 2 of Schedule 3, section 33 of the Act (which concerns the admission of pupils to county and voluntary schools), though brought into force, does not apply in relation to arrangements for the admission of pupils to a school where the arrangements are concerned with admissions to the school before the commencement of the school's 1988 autumn term.

Since no regulations have yet been made under section 51 of the Act (applying subsections (1) and (5) of that section to further education), the Order does not bring into force the repeal of section 31(8) of the London Government Act 1963 (which makes provision in relation to both schools and maintained or assisted further education establishments). The Order provides (in paragraph 3 of Schedule 3) that, pending the repeal of section 31(8) of the 1963 Act, section 51(12) of the Act (which provides for section 31(8) of the 1963 Act to cease to have effect) is to be construed as though it provided for that subsection to cease to have effect only in its application to county and voluntary schools. The effect of the Order is, therefore, that section 31(8) of the 1963 Act ceases to apply in relation to schools (which will now be governed by section 51(1) of the Act), but continues to apply in relation to further education until (following the making of regulations under section 51(2)(b) of the Act) the repeal of section 31(8) of the 1963 Act is brought into force.