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STATUTORY INSTRUMENTS

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**1991 No. 409 (C.9)**

**EDUCATION, ENGLAND AND WALES**

The Education Reform Act 1988  
(Commencement No. 9) Order 1991

Made - - - - 12th March 1991

The Secretary of State, in exercise of the powers conferred on him by section 236(6) to (8) of the Education Reform Act 1988<sup>(1)</sup>, hereby makes the following Order:

**Citation, interpretation and effect**

1.—(1) This Order may be cited as the Education Reform Act 1988 (Commencement No. 9) Order 1991.

(2) In this Order “the Act” means the Education Reform Act 1988.

(3) Articles 2 to 4 and 6 have effect for bringing the provisions specified into effect in relation to primary schools.

**Coming into force of certain provisions of the Act**

2. Section 26 of the Act shall come into force—

(a) for the purpose of enabling proposals to be made under subsections (4) to (6) for fixing the number of pupils in any age group which it is intended to admit to a primary school in the school year beginning next after 1st August 1992 and for the purposes of subsections (7), (8) and (10), on 1st September 1991; and

(b) for its remaining purposes (so far as they relate to primary schools), on 1st August 1992.

3. Subsections (1) to (3) and (9) of section 27 and sections 28 and 32 of the Act shall come into force (so far as they relate to primary schools) on the making of this Order.

4. Subsections (4) to (8) of section 27 of the Act shall come into force—

(a) for the purpose of enabling orders reducing any standard number applying to a primary school to be made under subsection (5) and applications for such orders to be made as mentioned in subsection (6), on 1st May 1991;

- (b) for the purpose of enabling orders increasing any standard number applying to a primary school to be made under subsection (5) and applications for such orders to be made as mentioned in subsection (7), on 1st September 1991; and
- (c) for their remaining purposes (so far as they relate to primary schools) on the making of this Order.

5. Section 29 of the Act shall come into force on 1st May 1991.

6.—(1) Subsection (1) of section 31 of the Act shall come into force (so far as it relates to primary schools) on 1st August 1992.

(2) Subsection (2) of section 31 of the Act shall come into force (so far as it relates to the publication of admission arrangements for primary schools for the school year beginning next after 1st August 1992 and subsequent school years) on 1st September 1991.

(3) Subsection (3) of section 31 of the Act shall come into force on 1st August 1991.

(4) Subsections (4) to (6) of section 31 of the Act shall come into force on 1st May 1991.

#### **Transitional provision**

7. Where—

- (a) an application for an order under section 27(5) reducing a standard number has been made before 31st May 1992, and
- (b) the Secretary of State has not before that date either made or refused to make an order on the application,

the standard number applying to the primary school in question for any age group to which the application relates in the school year beginning next after 1st August 1992 shall be the number of pupils in that age group registered at the school on 31st May 1992.

12th March 1991

*Kenneth Clarke*  
Secretary of State for Education and Science

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## EXPLANATORY NOTE

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

This Order brings into force certain provisions of the Education Reform Act 1988 relating to the admission of pupils to county and voluntary schools.

This Order brings section 29, which makes special provision in relation to admissions to primary schools, into force and brings specified provisions of sections 26, 27, 28, 31 and 32 into force in relation to primary schools (articles 1(3) and 2 to 6).

Sections 27(1) to (3) and (9), 28 and 32 are brought into force for primary schools immediately (article 3).

Section 29 is brought into force on 1st May 1991 (article 5).

Subsections (4) to (8) of section 27 are brought into force on 1st May 1991 to the extent necessary to enable applications for orders reducing standard numbers at such schools, and such orders, to be made (article 4(a)).

Those same subsections, together with section 26, are brought into force on 1st September 1991 to the extent necessary to enable proposals for increasing admissions limits and applications for orders increasing standard numbers at such schools, and such orders, to be made (articles 2(a) and 4(b)).

Those same subsections are brought into force for their remaining purposes, so far as they relate to such schools, immediately (article 4(c)).

A transitional provision in article 7 provides for the case where an application for reduction of a standard number has been made before 31st May 1992 but not determined by that date.

Section 26 is brought fully into force in relation to primary schools on 1st August 1992, together with the consequential provisions in section 31(1) (articles 2(b) and 6(1)). For school years commencing after that date the admissions limits for county and voluntary primary schools must not be less than the relevant standard number as defined in section 27. Section 31(2), which makes consequential amendments in the requirements for the publication of admission arrangements, is brought into force in relation to such years and such schools on 1st September 1991 (article 6(2)).

Subsection (3) of section 31, which extends the requirements of section 6 to 8 of the Education Act 1980 (c. 20) in relation to parental preferences to the admission of children aged below 5 years on admission, is brought into force on 1st August 1991.

Subsections (4) to (6) of section 31, which amend sections 12, 13 and 38 of the 1980 Act, are brought into force on 1st May 1991.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Act have been brought or will be brought into force on the dates specified in the following table:—

Provision	Date of commencement	S.I. No.
Sections 27, 28 and 32 (all partially) and section 30.	1st September 1988	1988/1459

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Provision	Date of commencement	S.I. No.
Sections 26, 27(4) to (8) and 31(2) (all partially).	1st September 1989	1988/1459
Sections 26, 27(4) to (8) and 31(1) (all partially).	4th August 1990	1988/1459
Sections 17 to 19, 131 to 134 (including Schedule 8 to the extent not already in force), 136, 220 and paragraphs 83 to 85 of Schedule 12.	1st November 1988	1988/1794
Sections 121 (except for Southampton Institute of Higher Education) to 130 (including Schedule 7), 135, 219(2)(e), 226, 227(2) to (4), 228 and 229 and paragraphs 64 and 80 of Schedule 12.	21st November 1988	1988/1794
Sections 106 to 111, 117 and 118 and Schedule 13 as regards the repeal of section 61 of the Education Act 1944.	1st April 1989	1988/1794
Sections 114, 214 to 216, and Schedule 13, as regards the repeal of section 3 of the Education Act 1967 and paragraph 14 of Schedule 3 to the Education Act 1980, and section 237(2) so far as it relates thereto.	30th November 1988	1988/2002
Section 218, paragraph 68 of Schedule 12 and section 237(1) so far as relating to those provisions, and Schedule 13, as regards the repeal of section 27 of the Education Act 1980 and paragraph 5 of Schedule 3 to the Education Act 1981, and section 237(2) so far as it relates thereto.	1st April 1989	1988/2002
Section 152(10), section 219 (to the extent not already in force), paragraph 63 of Schedule 12 and section 237(1) so far as relating to those provisions, and Schedule 13 so far as it relates to the repeal of sections 25 and 29(2) to (4) of the Education Act 1944, section 7 of the Education Act	1st January 1989	1988/2271

Provision	Date of commencement	S.I. No.
1946, and the whole of the Education (No. 2) Act 1968 and section 237(2) so far as it relates thereto.		
Section 121 (to the extent not already in force).	1st February 1989	<a href="#">1988/2271</a> and <a href="#">1990/391</a>
Section 120, paragraphs 54 to 57, 59, 61, 62, 65, 66, 69 to 76, 78, 79*, 86 to 98, 100, 101, 103 to 105 and 107 of Schedule 12 and section 237(1) so far as relating to those provisions. Schedule 13 so far as it relates to the repeal of sections 8(1)(b) (part), 42 to 46, 50 (part), 52(1) (part), 54 (part), 60, 62(2), 69 (part), 84 and 114 (part) of the Education Act 1944; section 8(3) of the Education Act 1946; section 31(1) and (4) of the London Government Act 1963; section 16 (part) of the Industrial Training Act 1964; section 81(4)(a) (part) and 104(2) (part) of the Local Government Act 1972; sections 24 (part) and 25(6)(c)(ii) (part) of the Sex Discrimination Act 1975; sections 19(6)(c)(ii) (part) and 78(1) (part) of the Race Relations Act 1976; and section 56 (part) of the Education (No. 2) Act 1986; and section 237(2) so far as it relates thereto.	1st April 1989	<a href="#">1988/2271</a> and <a href="#">1990/391</a>
*As to paragraph 77, see article 3 of the Education Reform Act 1988 (Commencement No. 6) Order 1989 (S.I. <a href="#">1989/501</a> ).		
Section 7 (except in relation to ILEA schools), paragraph 99 of Schedule 12 and section 237(1) so far as relating to those provisions, and Schedule 13 so far as it relates to the repeal of sections 17(1) (part) and (4), 18(3)	1st August 1989	<a href="#">1988/2271</a> and <a href="#">1990/391</a>

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Provision	Date of commencement	S.I. No.
(part), (4), (6)(c)(ii) (part) and (8) (part), 19(3) and 20 of the Education (No. 2) Act 1986, and section 237(2) so far as it relates thereto.		
Section 152 (1) to (9) (partially).	1st April 1990	1988/2271 and 1990/391
Section 7 (to the extent not already in force).	1st April 1990	1988/2271 and 1990/391
Paragraph 58 of Schedule 12 and section 237(1) so far as it relates thereto and section 12 (except in relation to ILEA county schools).	1st March 1990	1989/164
Section 115.	1st May 1989	1989/164
Section 5, 10(2) and (3) (the latter subsection partially) and 16.	1st August 1989	1989/164
Section 23(2) (except in relation to ILEA schools).	1st September 1989	1989/164
Section 12 and 23(2) (to the extent not already in force).	1st April 1990	1989/164
Section 10(3) (partially).	1st August 1990	1989/164
Section 10(3) (partially).	1st August 1991	1989/164
Section 10(3) (partially).	1st August 1989	1989/501
Section 10(3) (partially).	1st August 1990	1989/501
Section 10(3) (partially).	1st August 1991	1989/501
Section 210.	1st May 1989	1989/719
Section 211.	1st May 1989	1989/719
Schedule 13 so far as it relates to the repeal of section 1(1) (part) of the Education Act 1946; section 29(1)(e) (part) of the Employment Protection (Consolidation) Act 1978; section 35(5) (part) of, and paragraph 25 of Schedule to, the Education Act 1980; Part I of Schedule 10 to the Local Government, Planning and Land Act 1980; section 22 of the Local Government Act 1985; section 29 and section 47(5)(a)(ii) (part) of,	1st May 1989	1989/719

Provision	Date of commencement	S.I. No.
and paragraph 4 of Schedule 4 to, the Education (No. 2) Act 1986; and section 2 of the Local Government Act 1987; and section 237(2) so far as it relates thereto.		
Section 24, section 209, paragraph 106 of Schedule 12 and section 237(1) so far as it relates thereto and Schedule 13 as regards the repeal of section 8(2) and (3) of the Local Government Act 1974 and section 237(2) so far as it relates thereto.	31st March 1990	1990/391
Section 152 (to the extent not already in force).	1st April 1992	1990/391