
STATUTORY INSTRUMENTS

1993 No. 1975 (C.36)

**EDUCATION, ENGLAND AND WALES
EDUCATION, SCOTLAND**

**The Education Act 1993 (Commencement
No. 1 and Transitional Provisions) Order 1993**

Made - - - - *30th July 1993*

In exercise of the powers conferred on the Secretary of State by sections 301(6) and 308(3) of the Education Act 1993(1) the Secretary of State for Education hereby makes the following order:

Citation

1. This Order may be cited as the Education Act 1993 (Commencement No. 1 and Transitional Provisions) Order 1993.

Interpretation

2. In this Order—

“the Act” means the Education Act 1993;

“the 1981 Act” means the Education Act 1981(2);

“the 1988 Act” means the Education Reform Act 1988(3); and

“the 1992 Act” means the Education (Schools) Act 1992(4).

Commencement of section 307(1) of the Act

3. Section 307(1) of the Act (consequential and minor amendments), so far as it relates to the provisions of Schedule 19 to the Act brought into force by this Order, shall come into force on the dates on which, and for the purposes for which, Schedule 19 is brought into force by this Order.

(1) 1993 c. 35.
(2) 1981 c. 60.
(3) 1988 c. 40.
(4) 1992 c. 38.

Commencement of and transitional provisions relating to paragraph 173 of Schedule 19

4.—(1) Paragraph 173 of Schedule 19 to the Act (amendments to the 1992 Act) shall come into force as follows.

(2) For the purposes of prescribing any matter which falls to be prescribed under paragraphs 9B(2), 9C(5)(b), 10(2)(a), (3), (4) and (5)(b), 14(4)(b) and 15(3)(b) of Schedule 2 to the 1992 Act, sub-paragraphs (2), (3), (5), (6), (8)(a) and (9)(a) shall come into force on 1st August 1993.

(3) Sub-paragraphs (1)(c), (4) and (7), and sub-paragraphs (2), (3), (5) and (6), so far as not already in force, shall come into force on 1st September 1993.

(4) Sub-paragraph (1)(b), and sub-paragraphs (8) and (9), so far as not already in force, shall come into force on 1st October 1993.

5.—(1) Until the entry into force of sections 182 and 188 of the Act, paragraphs 9C(4) and 10(4) of Schedule 2 to the 1992 Act (as substituted by sub-paragraphs (5) and (6) of paragraph 173 of Schedule 19 to the Act) shall have effect as if the reference in each of those paragraphs to a maintained special school were a reference to a special school maintained by a local education authority.

(2) Until the entry into force of section 189 of the Act, those paragraphs (as so substituted) shall have effect as if the reference in each of them to section 189(1) of the Act were a reference to section 11(3)(a) of the 1981 Act.

Commencement of section 5 of the Act

6. Section 5 of the Act (meaning of “funding authority” in Education Acts) shall come into force on 1st September 1993.

Commencement of and transitional provisions relating to Chapter I of Part V

7. Chapter I of Part V of the Act (schools failing to give an acceptable standard of education: identification of schools requiring special measures) shall come into force on 1st September 1993.

8.—(1) Until the entry into force of sections 182 and 188 of the Act, Chapter I of Part V of the Act shall have effect as if any reference in that Chapter to a maintained special school were a reference to a special school maintained by a local education authority.

(2) Until the entry into force of paragraph 8 of Schedule 6 to the Act, section 210(7) of the Act shall have effect as if the reference in that section to that paragraph were a reference to paragraph (j) of section 58(5) of the 1988 Act.

Commencement of and transitional provisions relating to certain other provisions of the Act

9. The provisions of the Act specified in the first column of Schedule 1 to this Order (which relate to the matters mentioned in the second column thereof) shall come into force on 1st October 1993; and, save as otherwise provided in the first column of Schedule 1, they shall come into force on that date for all purposes.

10. Schedule 2 to this Order shall have effect for the purposes of making transitional provisions in connection with the provisions brought into force by Article 9 of, and Schedule 1 to, this Order.

SCHEDULE 1

Article 9

PROVISIONS COMING INTO FORCE ON 1ST OCTOBER 1993

Provisions of the Act	Subject matter of provisions
Section 1.	General duty of the Secretary of State.
Section 2.	Duty of the Secretary of State in the case of primary, secondary and further education.
Section 192 (save that subsections (6) and (7) are brought into force only for the purposes of school attendance orders with respect to children other than those for whom a statement is maintained under section 7 of the 1981 Act).	School attendance orders.
Section 193.	School to be named in a school attendance order relating to a child without a statement of special educational needs.
Section 194.	Specification of schools in notices under section 193(2) of the Act.
Section 195.	Amendment of school attendance order relating to a child without a statement of special educational needs.
Section 197(1) to (4) and (6).	Revocation of school attendance order at request of parent.
Section 198.	Offence: failure to comply with a school attendance order.
Section 199.	Offence: failure to secure regular attendance at school.
Section 200.	Presumption of age.
Section 201.	Institution of proceedings and punishment.
Section 202.	Education supervision orders.
Section 203.	Exemption where child attains the age of five years during term.
Section 229(1) (so far as it amends section 12(1) of the Education Act 1980 ⁽⁵⁾ by inserting after “county school” in paragraph (d) the words “or to transfer a county school to a new site in the area”).	Amendments to section 12 of the Education Act 1980 (establishment and alteration of county schools by local education authorities).
Section 230(1) and (3) to (5) (save that subsection (1) is brought into force only in so far as it amends section 13(1) of the Education Act 1980 by inserting after “the school” in paragraph (b) the words “or to transfer the school to a new site”).	Amendments to section 13 of the Education Act 1980 (establishment and alteration of voluntary schools).

(5) 1980 c. 20.

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

Provisions of the Act	Subject matter of provisions
Section 242.	National Curriculum: temporary procedure for making certain orders.
Section 243.	National Curriculum: procedure for making certain orders in relation to Wales.
Section 244.	Establishment of the School Curriculum and Assessment Authority (“SCAA”).
Section 245.	Functions of SCAA.
Section 247.	Transfer of property to SCAA.
Section 248.	Transfer of staff to SCAA.
Section 249.	Curriculum Council for Wales: finance.
Section 250.	Curriculum Council for Wales: proceedings.
Section 251.	Curriculum Council for Wales: accounts.
Section 259.	Inspection of religious education.
Section 260.	Co-ordinated arrangements for admission to schools.
Section 263.	Provision of information about city technology colleges and city colleges for the technology of the arts.
Section 264.	Distribution of information about schools providing primary education.
Section 265.	Distribution of information about further education institutions by schools.
Section 269.	Investigation by Local Commissioner of decisions of certain appeal committees.
Section 270.	Admission arrangements for voluntary aided etc. schools: modification or replacement of agreements under section 6(6) of the Education Act 1980(6).
Section 280.	Charges for musical instrument tuition.
Section 282.	Power of local education authorities to assist governors of aided and special agreement schools.
Section 283.	Power of local education authorities to assist promoters of voluntary schools.
Section 284.	Duty of local education authorities to convey interest in premises to the trustees of voluntary schools.

(6) Section 6(6) was inserted by section 30(3) of the Education Reform Act 1988 (c. 40).

Provisions of the Act	Subject matter of provisions
Section 285.	Disapplication of section 123(2) of the Local Government Act 1972(7).
Section 286.	Repeal of section 3(4) of the Education Act 1968(8).
Section 293.	Corporal punishment: England and Wales.
Section 294.	Corporal punishment: Scotland.
Schedule 14.	Further provisions relating to SCAA.
Paragraphs 1, 3, 4, 5, 8, 11, 14, 15, 20(a), 23(a) (i) (so far as it amends paragraph (c)(i) of section 105(2) of the Education Act 1944(9) by inserting after “premises” the words “or on a transfer of the school to a new site”), 24(a)(ii) to (iii), 25, 28, 30, 32, 34 (so far as it relates to the Curriculum Council for Wales and the School Curriculum and Assessment Authority), 35, 40, 41, 42, 43, 56, 64, 68, 69, 72, 75, 77(a), 78, 80, 84, 112, 118(b) to (d), 119, 122, 124, 131, 132, 141, 149, 152, 154 (so far as it relates to paragraph 4 of Schedule 12 to the Children Act 1989(10)), 155, 170 and 175 of Schedule 19.	Minor and consequential amendments.
Schedule 21, in so far as it relates to the repeals set out in the Appendix to this Schedule, and section 307(3) so far as it relates thereto.	Repeals.

(7) 1972 c. 70.

(8) 1968 c. 17; section 3(4)(a) was partially repealed by paragraph 24 of Schedule 1 to the Education Act 1980 (c. 20), and section 3(4)(b) was amended by paragraph 16 of Schedule 3 to that Act.

(9) 1944 c. 31; section 105(2)(c) was substituted by paragraph 4(2) of Schedule 1 to the Education Act 1968 (c. 17).

(10) 1989 c. 41.

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Appendix to Schedule 1

REPEALS TAKING EFFECT FROM 1ST OCTOBER 1993

Chapter	Short title	Extent of repeal
1933 c. 12.	The Children and Young Persons Act 1933.	Section 10
1944 c. 31.	The Education Act 1944.	Section 1(1). In section 6, the words in subsection (1) from “Subject” to “Act” and subsection (2). In section 16(1), “any county school or” and the words following “the new site”. Sections 37, 39 and 40. In section 114(1), in the definition of “secondary school”, “primary or”. In the Eighth Schedule, the entry relating to section 10 of the Children and Young Persons Act 1933.
1948 c. 40.	The Education (Miscellaneous Provisions) Act 1948.	Section 9.
1953 c. 33.	The Education (Miscellaneous Provisions) Act 1953.	Section 10.
1967 c. 80.	The Criminal Justice Act 1967.	In Schedule 3, the entries relating to section 10 of the Children and Young Persons Act 1933 and section 40(1) of the Education Act 1944.
1968 c. 17.	The Education Act 1968.	Section 3(4). In Schedule 1, paragraph 1.
1969 c. 54.	The Children and Young Persons Act 1969.	In Schedule 5, paragraphs 2 and 13.
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 6, the entry relating to the Education Act 1944.
1980 c. 20.	The Education Act 1980.	Sections 10 and 11. In Schedule 1, paragraph 10.

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Chapter	Short title	Extent of repeal
1988 c. 40.	The Education Reform Act 1988.	In section 14, subsection (4) and, in subsection (5), the words “or (as the case may be) subsection (4)(g)”. In section 25(1), the definition of the expression “the Curriculum Council”. In Schedule 2, in paragraph 18, the words “in such form as the Secretary of State may direct with the approval of the Treasury”.
1989 c. 41.	The Children Act 1989.	In section 36(8), the words from “social” to “of the”. In Schedule 13, paragraphs 4 and 8.

SCHEDULE 2

Article 10

TRANSITIONAL PROVISIONS

1. Until the entry into force of section 168 of the Act, sections 193(1) and 195(1) of the Act shall have effect as if the references in those provisions to section 168 of the Act were references to section 7 of the 1981 Act.

2. Until the entry into force of sections 149 to 151 of the Act, section 194(2)(b) shall have effect as if the reference in that section to sections 149 to 151 of the Act were a reference to section 83 of the 1988 Act.

3. Until the entry into force of section 98 of the Act, section 13(3)(c) of the 1992 Act (as substituted by section 259(2) of the Act) shall have effect as if the reference in that section to section 98 of the Act were a reference to section 89 of the 1988 Act.

4.—(1) Until the entry into force of paragraph 5 of Schedule 6 to the Act, section 25(5) of the Local Government Act 1974(11) (as amended by section 269 of the Act) shall have effect as if the reference in that section to paragraph 5 of Schedule 6 to the Act were a reference to paragraph (d) of section 58(5) of the 1988 Act.

(2) Notwithstanding the amendment made to section 25(5) of the Local Government Act 1974 by section 269 of the Act, Part III of the Local Government Act 1974 shall not have effect to enable the Local Commissioner to conduct an investigation with respect to any action of an appeal committee constituted in accordance with paragraph (2) of Schedule 2 to the Education Act 1980 or for the purposes of section 58(5)(d) of the 1988 Act where notice of the appeal to which the action relates was served before 1st October 1993.

(11) 1974 c. 7; subsection (5) of section 25 of the Local Government Act 1974 was inserted by section 7(7) of the Education Act 1980 (c. 20).

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5. Until the repeal of section 14(1)(a) and (c) of the 1988 Act by section 307(3) of, and Schedule 21 to, the Act has effect, subsections (3), (5) and (6) of section 14 of the 1988 Act (as amended by paragraph 118(b) to (d) of Schedule 19 to the Act) shall have effect as if the references in each of those subsections to “the Council” were references to “the Curriculum Council for Wales”.

30th July 1993

Emily Blatch
Minister of State,
Department for Education

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st August 1993 sub-paragraphs (2), (3), (5), (6), (8)(a) and (9)(a) of paragraph 173 of Schedule 19 to the Education Act 1993, but only for the purposes of prescribing matters which fall to be prescribed under Schedule 2 to the Education (Schools) Act 1992 (as amended by paragraph 173 of Schedule 19).

The Order brings into force on 1st September 1993 sub-paragraphs (1)(c), (4) and (7) of paragraph 173 of Schedule 19, and sub-paragraphs (2), (3), (5), and (6) for all remaining purposes. The Order brings into force on 1st October 1993 the remaining provisions of paragraph 173 of Schedule 19 for all remaining purposes except sub-paragraph (1)(a) which is not brought into force by this Order.

The Order brings into force on 1st September 1993 section 5 of the 1993 Act which defines the expression “funding authority” in the Education Acts.

Also brought into force on 1st September 1993 are the provisions of Chapter I of Part V of the 1993 Act which relates to the inspection of maintained and grant-maintained schools and the identification of those schools requiring special measures.

The Order brings into force on 1st October 1993 the provisions of the 1993 Act specified in Schedule 1. These are principally the provisions of Part IV which relates to school attendance (other than section 196, and section 192(6) and (7) as it relates to school attendance orders with respect to children without statements under section 7 of the Education Act 1981); sections 244 to 251 and Schedule 14 which relate to the School Curriculum and Assessment Authority and the Curriculum Council for Wales; and sections 282 to 286 which are concerned with assistance for voluntary schools.

The Order also contains transitional provisions. These principally enable references to provisions in the 1993 Act not brought into force by the Order to have effect as references to the enactments to be repealed by them.