

2003 No. 2071 (C. 84)

EDUCATION, ENGLAND

The Education Act 2002 (Commencement No.7 and Transitional Provision) Order 2003

Made - - - -

5th August 2003

In exercise of the powers conferred on the Secretary of State by section 216(4) and (5) of the Education Act 2002(a), the Secretary of State for Education and Skills hereby makes the following Order:

1. This Order may be cited as the Education Act 2002 (Commencement No. 7 and Transitional Provision) Order 2003.

2.—(1) Paragraph 50 of Schedule 21 to the Education Act 2002 shall come into force except in relation to Wales on 1st September 2003.

(2) Despite the substitution of section 499(9)(b) of the Education Act 1996(b) made by that paragraph, a parent governor appointed or elected to a governing body constituted under section 36 of the School Standards and Framework Act 1998(c) shall also be treated as a parent governor for the purposes s. 499(6) and (8).

5th August 2003

Stephen Twigg
Parliamentary Under Secretary of State
Department for Education and Skills

(a) 2002 c.32

(b) 1996 c.56 (subsections (6) to (9) of section 499 were added by section 9 of the School Standards and Framework Act 1998)

(c) 1998 c.31

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force paragraph 50 of Schedule 21 to the Education Act 2002 which substitutes a new subsection (9) of section 499 of the Education Act 1996. It also makes transitional provision allowing parent governors of governing bodies constituted under the School Standards and Framework Act 1998, as well as parent governors of governing bodies constituted under regulations made under the Education Act 2002, to be treated as parent governors for the purposes of section 499.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of this Act have been brought into force (or come into force at a later date) by commencement orders made before the date of this Order:

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|--|------------------------|
| Section 1 (partially), as to England (fully), as to England | 1st October 2002 1st September 2003 | 2002/2439 2003/1667 |
| Sections 2 to 5, as to England | 1st October 2002 | 2002/2439 |
| Sections 11 and 12, as to England | 20th January 2003 | 2002/2952 |
| Sections 14 to 17, as to England | 1st October 2002 | 2002/2439 |
| Sections 14 to 17 and 18(2), as to Wales | 31st March 2003 | 2002/3185 (W.301) |
| Section 18, except for the repeal of section 486 of the Education Act 1996 made by paragraph (g) of subsection (1), as to England | 1st April 2003 | 2003/124 |
| Section 19(2) to (5) and (7), as to England | 1st March 2003 | 2003/124 |
| Section 19(6), as to England | 1st October 2002 | 2002/2439 |
| In section 19(8), the words “regulations under this section may include provision with respect to the governing body of federations”, as to England | 1st April 2003 | 2003/124 |
| Section 19, (fully), as to England | 1st September 2003 | 2003/1667 |
| Section 19(6) (partially), as to Wales | 1st September 2003 | 2003/1718 (W 185) |
| Section 20(2) and (3), as to England | 1st March 2003 | 2003/124 |
| In section 20(4), the words “regulations under subsection (2) may include provision with respect to instruments of government for federations”, as to England | 1st April 2003 | 2003/124 |
| Section 20 (fully), as to England | 1st September 2003 | 2003/1667 |
| Section 21(3), as to England | 1st March 2003 | 2003/124 |
| Section 21 (fully), as to England | 1st September 2003 | 2003/1667 |
| Section 22, as to England | 1st September 2003 | 2003/1667 |
| Section 23, as to England | 1st March 2003 | 2003/124 |
| Section 24(1), for the purpose of making regulations only, as to England | 1st April 2003 | 2003/124 |
| Section 24(2) to (6), as to England | 1st April 2003 | 2003/124 |
| Section 24 (fully), as to England | 1st September 2003 | 2003/1667 |
| Section 25, as to England | 1st April 2003 | 2003/124 |
| Section 26, as to England | 1st March 2003 | 2003/124 |

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|--|--|-----------------------------------|
| Sections 27 and 28, as to England | 2nd September 2002 | 2002/2002 as amended by 2002/2018 |
| Sections 27 and 28, as to Wales | 1st September 2003 | 2003/1718 (W 185) |
| Section 29, as to England | 1st September 2003 | 2003/1667 |
| Section 29, as to Wales | 1st September 2003 | 2003/1718 (W 185) |
| Section 30, as to England | 1st October 2002 | 2002/2439 |
| Section 32, as to England | 1st September 2003 | 2003/1667 |
| Section 33(3), as to England | 1st March 2003 | 2003/124 |
| Section 33 (fully), as to England | 1st September 2003 | 2003/1667 |
| Section 34, as to England | 1st April 2003 | 2003/124 |
| Section 35(4) and (5), as to England | 1st April 2003 | 2003/124 |
| Section 35 (fully), as to England | 1st September 2003 | 2003/1667 |
| Section 36(4) and (5), as to England | 1st April 2003 | 2003/124 |
| Section 36 (fully), as to England | 1st September 2003 | 2003/1667 |
| Section 37, as to England | 1st October 2002 | 2002/2439 |
| Section 38(1), (2) and (4) to (7) | 1st October 2003 | 2003/1667 |
| Section 39(1)(partially), as to England | 1st October 2002 | 2002/2439 |
| Section 39(1) (fully), as to England | 1st September 2003 | 2003/1667 |
| In section 39(1), the definition of “federation” and “federated school”, as to England | 1st April 2003 | 2003/124 |
| Section 39(2), as to England | 1st October 2002 | 2002/2439 |
| Section 40 (partially), as to England (fully), as to England | 2nd September 2002 1st September 2003 | 2002/2002 2003/1667 |
| Section 40 (partially), as to Wales | 1st September 2003 | 2003/1718 (W 185) |
| Section 41(1) and (3), as to England | 1st October 2002 | 2002/2439 |
| Section 42, as to England | 1st October 2002 | 2002/2439 |
| Section 43, as to England | 2nd September 2002 | 2002/2002 |
| Section 43, as to Wales | 1st November 2003 | 2003/1718 (W 185) |
| Section 44(1) to (6), as to England | 1st April 2003 | 2003/124 |
| Section 44(7), as to England | 1st September 2003 | 2003/1667 |
| Section 45, as to England | 1st April 2003 | 2003/124 |
| Section 46, as to England | 20th January 2003 | 2002/2952 |
| Sections 47 to 49, as to England | 1st October 2002 | 2002/2439 |
| Section 49, as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Section 50, as to England | 20th January 2003 | 2002/2952 |
| Section 51 (partially), as to England (fully), as to England | 1st October 2002 20th January 2003 | 2002/2439 2002/2952 |
| Section 52(1) to (6), as to England | 20th January 2003 | 2002/2952 |
| Section 52(11), as to England | 1st September 2003 | 2003/1667 |
| Sections 54 to 59, as to England | 2nd September 2002 | 2002/2002 |
| Sections 54 to 56, as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Sections 60 and 61, as to England | 26th July 2002 | 2002/2002 |
| Sections 62 to 64, as to England | 1st October 2002 | 2002/2439 |
| Sections 60 to 64, as to Wales | 1st August 2003 | 2003/1718 (W 185) |

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|---|--------------------|----------------------|
| Section 65 | 26th July 2002 | 2002/2002 |
| Section 66 | 20th January 2003 | 2002/2952 |
| Sections 67 to 69 | 26th July 2002 | 2002/2002 |
| Section 70, as to England | 1st June 2003 | 2003/1115 |
| Section 71, as to England | 1st June 2003 | 2003/1115 |
| Section 72, as to England | 1st April 2003 | 2003/124 |
| Section 73, as to England | 1st June 2003 | 2003/1115 |
| Section 74(1), as to England | 1st June 2003 | 2003/1115 |
| Section 74(2) and (3), as to England | 1st April 2003 | 2003/124 |
| Section 75 (partially), as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Section 75 (partially), as to England | 1st April 2003 | 2003/124 |
| Section 75, (fully), as to England | 1st June 2003 | 2003/1115 |
| Sections 76 and 77 | 1st October 2002 | 2002/2439 |
| Section 78 (partially) | 26th July 2002 | 2002/2002 |
| (fully) | 1st October 2002 | 2002/2439 |
| Sections 79 to 96, | 1st October 2002 | 2002/2439 |
| Sections 97, 98, 99(1), | 19th December 2002 | 2002/3185 (W.301) |
| Section 100 (partially), | 19th December 2002 | 2002/3185 (W.301) |
| Section 101 (partially), | 19th December 2002 | 2002/3185 (W.301) |
| Sections 103, 105 to 107, | 19th December 2002 | 2002/3185 (W.301) |
| Section 108 (partially), | 19th December 2002 | 2002/3185 (W.301) |
| Sections 109, 111 to 118, | 19th December 2002 | 2002/3185 (W.301) |
| Section 119 | 1st October 2002 | 2002/2439 |
| Section 120(1), and (3) to (5) | 1st October 2002 | 2002/2439 |
| Section 120(2) | 1st August 2003 | 2003/1667 |
| Section 121 | 1st October 2002 | 2002/2439 |
| Sections 122 to 129 | 1st August 2003 | 2003/1667 |
| Section 130 (partially) | 1st October 2002 | 2002/2439 |
| Section 130 (fully) | 1st August 2003 | 2003/1667 |
| Section 131, as to England | 1st October 2002 | 2002/2439 |
| Section 131, as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Sections 132 and 133, as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Sections 132 and 133, as to England | 1st August 2003 | 2003/1667 |
| Section 134 (partially), as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Section 134 (1), (4) and (5), as to England | 1st August 2003 | 2003/1667 |
| Section 135, as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Section 135, as to England | 1st October 2003 | 2003/1667 |
| Sections 136 to 140, as to Wales | 1st September 2003 | 2003/1718 (W 185) |
| Section 141, as to Wales | 19th December 2002 | 2002/3185 (W.301) |

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| Section 141, as to England | 1st August 2003 | 2003/1667 |
| Sections 142 to 144, as to Wales | 31st March 2003 | 2002/3185 (W.301) |
| Sections 142 to 144, as to England | 1st June 2003 | 2003/1115 |
| Section 145, as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Section 145, as to England | 1st August 2003 | 2003/1667 |
| Section 146 (partially), as to Wales | 31st March 2003 | 2002/3185 (W.301) |
| Section 146 (partially), as to England | 1st June 2003 | 2003/1115 |
| Section 146 (partially), as to England | 1st August 2003 | 2003/1667 |
| Section 146 (partially), as to England | 1st September 2003 | 2003/1667 |
| Section 146 (partially), as to England | 1st October 2003 | 2003/1667 |
| Section 148 (partially), as to England | 1st October 2002 | 2002/2439 |
| Section 148 (partially), as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Section 148 (partially), as to Wales | 31st March 2003 | 2002/3185 (W.301) |
| Section 148, (partially), as to England | 1st August 2003 | 2003/1667 |
| Section 149, as to England | 1st October 2002 | 2002/2439 |
| Section 149, as to Wales | 31st March 2003 | 2002/3185 (W.301) |
| Section 150, as to England | 1st October 2002 | 2002/2439 |
| Section 150, as to Wales | 31st March 2003 | 2002/3185 (W.301) |
| Section 151(1), as to England | 1st October 2002 | 2002/2439 |
| Section 151(2), as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Section 152 (partially), as to England | 2nd September 2002 | 2002/2002 |
| Section 152 (partially), as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Section 153, as to England | 1st April 2003 | 2003/124 |
| Section 154(1) and (2), as to England | 1st June 2003 | 2003/1115 |
| Section 155 (partially), as to England (fully), as to England | 2nd September 2002 1st October 2002 | 2002/2002 2002/2439 |
| Section 156, as to England | 1st October 2002 | 2002/2439 |
| Sections 157 to 174, except 158(3), as to England | 1st September 2003 | 2003/1667 |
| Section 176, as to England | 1st September 2003 | 2003/1667 |
| Section 177, as to England | 1st October 2002 | 2002/2439 |
| Section 178(1) and (2), as to England | 1st October 2002 | 2002/2439 |
| Section 178(3), as to England | 20th January 2003 | 2002/2952 |
| Section 178(1) and (4), as to Wales | 1st August 2003 | 2003/1718 (W 185) |
| Section 179, as to England | 1st October 2002 | 2002/2439 |
| Section 179 (partially), as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Section 180, as to England | 1st October 2002 | 2002/2439 |
| Section 180, as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Section 181 to 185, as to England | 1st September 2003 | 2003/1667 |

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| Section 181 to 185, as to Wales | 1st September 2003 | 2003/1718 (W 185) |
| Section 187 (partially), as to England (fully), as to England | 1st October 2002 1st September 2003 | 2002/2439 2003/1667 |
| Section 188 (partially), as to England | 1st October 2002 | 2002/2439 |
| Section 188 (partially), as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Section 188 (partially), as to England | 1st September 2003 | 2003/1667 |
| Section 189 (partially), for the purpose of introducing those paragraphs of Schedule 17 which apply except in relation to Wales | 1st October 2002 | 2002/2439 |
| Section 189 (partially), for the purpose of introducing those paragraphs of Schedule 17 which apply in relation to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Section 191 to 194, as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Section 195 (partially), as to Wales | 31st March 2003 | 2002/3185 (W.301) |
| Section 195 (partially), as to Wales | 1st September 2003 | 2002/3185 (W.301) |
| Section 196, as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Section 197 | 1st September 2003 | 2003/1718 (W 185) |
| Section 199, as to England | 20th January 2003 | 2002/2952 |
| Section 199, as to Wales | 1st September 2003 | 2003/1718 (W 185) |
| Section 200, as to Wales | 31st March 2003 | 2002/3185 (W.301) |
| Section 200, as to England | 6th April 2003 | 2003/124 |
| Section 201 (partially), as to Wales | 31st March 2003 | 2002/3185 (W.301) |
| Section 201 (partially), as to England | 6th April 2003 | 2003/124 |
| Sections 202 and 203, as to England | 1st August 2003 | 2003/1667 |
| Sections 202 and 203, as to Wales | 1st September 2003 | 2003/1718 (W 185) |
| Section 204, as to England | 2nd September 2002 | 2002/2002 |
| Sections 205 and 206, as to England | 1st October 2002 | 2002/2439 |
| Section 206, as to Wales | 1st September 2003 | 2003/1718 (W 185) |
| Sections 207 and 208, as to England | 1st April 2003 | 2003/124 |
| Section 209 | 1st April 2003 | 2003/124 |
| Section 215 (partially), as to England | 26th July 2002 | 2002/2002 |
| (partially), as to England | 2nd September 2002 | 2002/2002 |
| (partially), as to England | 1st October 2002 | 2002/2439 |
| (partially), as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| (partially), as to England | 20th January 2003 | 2002/2952 |
| (partially), as to Wales | 31st March 2003 | 2002/3185 (W.301) |
| (partially), as to Wales | 1st September 2003 | 2002/3185 (W.301) |

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| (partially), as to England | 1st March 2003 | 2003/124 |
| (partially), as to England | 1st April 2003 | 2003/124 |
| (partially), as to England | 6th April 2003 | 2003/124 |
| (partially), as to England | 1st June 2003 | 2003/1115 |
| (partially), as to England | 1st August 2003 | 2003/1667 |
| (partially), as to Wales | 1st August 2003 | 2003/1718 (W 185) |
| (partially), as to England | 1st September 2003 | 2003/1667 |
| (partially), as to Wales | 1st September 2003 | 2003/1718 (W 185) |
| (partially), as to England | 1st October 2003 | 2003/1667 |
| Schedule 1, (partially), as to England | 2nd September 2002 | 2002/2002 |
| (fully), as to England | 1st October 2002 | 2002/2439 |
| Schedule 1, (partially), as to Wales | 1st September 2003 | 2003/1718 (W 185) |
| Schedule 3, paragraphs 1 to 5, as to England | 2nd September 2002 | 2002/2002 |
| Schedule 3, (fully), as to England | 1st September 2003 | 2003/1667 |
| Schedule 3, paragraphs 1 to 5, as to Wales | 1st September 2003 | 2003/1718 (W 185) |
| Schedule 4, paragraphs 1, 3, 5 to 7, 10, 11, 13 and 14, as to England | 1st October 2002 | 2002/2439 |
| Schedule 4, (fully), as to England | 20th January 2003 | 2002/2952 |
| Schedules 5 and 6, as to England | 2nd September 2002 | 2002/2002 |
| Schedule 5, as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Schedule 7 | 26th July 2002 | 2002/2002 |
| Schedule 8 | 1st June 2003 | 2003/1115 |
| Schedule 9, as to England | 1st April 2003 | 2003/124 |
| Schedule 10, paragraphs 1, 6, 11 and 15, as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Schedule 10, paragraphs 1, 6 and 11 to 15, as to England | 1st April 2003 | 2003/124 |
| Schedule 10, (fully), as to England | 1st June 2003 | 2003/1115 |
| Schedule 11 | 1st October 2002 | 2002/2439 |
| Schedule 12, paragraphs 1, 2, 4(1), and (3), 6, 9, 11 and 12(1) and (2), as to England | 1st October 2002 | 2002/2439 |
| Schedule 12, paragraphs 1, 2, 4(1) and (3), 6 and 7, as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| Schedule 12, paragraphs 12(1) and (2), as to Wales | 31st March 2003 | 2002/3185 (W.301) |
| Schedule 12, paragraphs 3(1), (2), (3) save for the words “or provisional”, (4) and (6), 4(4) save for the words “or provisional registration”, 8 save for the words “or provisional registration”, 10 save for the words “or provisional”, 12(3) save for the words “or provisional”, as to England | 1st August 2003 | 2003/1667 |
| Schedule 13, paragraphs 1 to 3, as to England | 1st October 2002 | 2002/2439 |
| paragraphs 4 and 5, as to England | 2nd September 2002 | 2002/2002 |
| paragraphs 6, 7(1) and (3), and (8), as to England | 1st October 2002 | 2002/2439 |
| Schedule 13, paragraphs 1 to 3, 5, 6, 7(1) and (3), and 8, as to Wales | 19th December 2002 | 2002/3185 (W.301) |

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| Schedule 14, paragraphs 1 to 4, as to England Remaining paragraphs, as to England | 2nd September 2002 1st October 2002 | 2002/2002 2002/2439 |
| Schedule 15 fully except for the words “(b) nursery school” in paragraphs 2(2) | 1st October 2002 | 2002/2439 |
| Schedule 15 (fully), as to England | 1st September 2003 | 2003/1667 |
| Schedule 16, paragraphs 7 to 9, as to England Schedule 16, paragraphs 4 to 9, as to Wales | 1st October 2002 19th December 2002 | 2002/2439 2002/3185 (W.301) |
| Schedule 16, paragraphs 1, and 3 to 6, as to England | 1st September 2003 | 2003/1667 |
| Schedule 17, paragraphs 1 to 4 and 9 Schedule 17, paragraphs 5(1) - (4), (6), and 6 to 8 | 1st October 2002 19th December 2002 | 2002/2439 2002/3185 (W.301) |
| Schedule 18 paragraphs 1, 4, 5 and 7, 13 to 15 paragraph 8 (partially), paragraphs 2,3, 6, 8 (fully), 9 to 12, and 16 to 18 | 31st March 2003 31st March 2003 1st September 2003 | 2002/3185 (W.301) 2002/3185 (W.301) 2002/3185 (W.301) |
| Schedule 19, as to England | 20th January 2003 | 2002/2952 |
| Schedule 19, as to Wales | 1st September 2003 | 2003/1718 (W 185) |
| Schedule 20, as to England | 1st October 2002 | 2002/2439 |
| Schedule 20, as to Wales | 1st September 2003 | 2003/1718 (W 185) |
| Schedule 21 (partially), as to England | 2nd September 2002 | 2002/2002 |
| (partially), as to England | 1st October 2002 | 2002/2439 |
| (partially), as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| (partially), as to England | 20th January 2003 | 2002/2952 |
| (partially), as to Wales | 31st March 2003 | 2002/3185 (W.301) |
| (partially) as to England | 1st March 2003 | 2003/124 |
| (partially) as to England | 1st April 2003 | 2003/124 |
| (partially), as to England | 1st June 2003 | 2003/1115 |
| (partially), as to England | 1st August 2003 | 2003/1667 |
| (partially), as to England | 1st September 2003 | 2003/1667 |
| (partially), as to Wales | 1st September 2003 | 2003/1718 (W 185) |
| (partially), as to England | 1st October 2003 | 2003/1667 |
| Schedule 22, (partially), as to England | 26th July 2002 | 2002/2002 |
| (partially), as to England | 2nd September 2002 | 2002/2002 |
| (partially), as to England | 1st October 2002 | 2002/2439 |
| (partially), as to Wales | 19th December 2002 | 2002/3185 (W.301) |
| (partially), as to England | 20th January 2003 | 2002/2952 |
| (partially), as to Wales | 31st March 2003 | 2002/3185 (W.301) |

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|----------------------------|--------------------|----------------------|
| (partially), as to Wales | 1st September 2003 | 2002/3185 (W.301) |
| (partially) as to England | 1st April 2003 | 2003/124 |
| (partially), as to England | 6th April 2003 | 2003/124 |
| (partially) as to England | 1st June 2003 | 2003/1115 |
| (partially), as to England | 1st August 2003 | 2003/1667 |
| (partially), as to Wales | 1st August 2003 | 2003/1718 (W 185) |
| (partially), as to England | 1st September 2003 | 2003/1667 |
| (partially), as to Wales | 1st September 2003 | 2003/1718 (W 185) |
| (partially), as to England | 1st October 2003 | 2003/1667 |

STATUTORY INSTRUMENTS

2003 No. 2071 (C. 84)

EDUCATION, ENGLAND

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