
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the first commencement order made under the Education and Skills Act 2008 (“the Act”). Articles 2 and 3 bring into force on 2nd December 2008 section 151(1) and (4) of the Act in so far as it inserts new sections 88B, 88C, 88D, 88E, 88F, 88G, 88H, 88I, 88K and 88L (which relate to England only) into the School Standards and Framework Act 1998 (“the SSFA 1998”). It also commences certain consequential amendments and repeals in particular to preserve the existing law in Wales in sections 89, 89A, and 90 of the SSFA 1998.

In England sections 88B to 88H re-enact for England the provisions about the procedure for determining admissions arrangements, determination of admission numbers, and variation and alteration of admission arrangements following establishment or expansion of schools, or in relation to adjudicators’ decisions, and reference of objections to the adjudicator. They replace the requirement in section 89(2) and (3) that admission authorities consult various bodies about their admission arrangements before determining them, with a power to make regulations about the consultation process. Sections 88I, 88J, 88K and 88L replace section 90 in relation to England and place a new duty on the adjudicator to consider admission arrangements referred to him by the Secretary of State or mentioned in a local authority report, and to decide whether they are lawful.

Article 4 commences on 26th January 2009 sections 68 to 78 of the Act in respect of the provision of support services to young people by local education authorities. It partially commences section 79 in respect of the repeal of sections 114(2), (3) and (5), 115, 116, 118 and 121 of the Learning and Skills Act 2000.

Article 4 also commences on 26th January 2009 sections 87 to 91 which allow for the sharing of information in order to assess the effectiveness of education or training of those aged 19 or over and related policy matters.

Article 5 commences sections 150, 152 and 153 which introduce new provisions about preferences relating to sixth form education from the academic year 2010 – 2011 and make other minor and consequential school admissions amendments, and section 165 which amends section 47A of SSFA 1998 in respect of the constitution of schools forums.

Provisions commenced under Articles 2 and 4 are fully commenced; provisions commenced under Articles 3 and 5 concern provisions which the Secretary of State has power to commence in relation to England only, and over which the Welsh Ministers have commencement powers in relation to Wales.

Article 6 provides that the amendments to sections 86 and 94 of the SSFA 1998 do not affect school admissions for the academic year 2009 -2010.