
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 2 January 2008 and on 31 March 2008 those provisions of the Education Act 2002 specified in Parts 1 and 2 of the Schedule to the Order.

References below to sections and Schedules (without more) are references to sections of, and Schedules to, the Education Act 2002.

The effect of the provisions specified in Part 1 of the Schedule to the Order which come into force on 2 January 2008 is as follows—

The commencement of the remainder of section 18 repeals miscellaneous grant making powers (which were replaced by section 14 which was commenced on 31 March 2003).

Section 26 enables regulations to be made by the Welsh Ministers (in whom functions are now vested following the Government of Wales Act 2006) allowing governing bodies of schools to collaborate.

Section 31 relates to the control of school premises and is commenced for the purpose of making regulations.

Section 38 requires the Welsh Ministers to have regard to the desirability of avoiding sending excessive material to schools and imposing excessive administrative burdens. They will have to prepare a report in respect of each academic year of the documents sent to all governing bodies or head teachers in Wales.

Sections 57 to 59 and Schedule 6 enable a local education authority, where a school requires significant improvement or requires special measures or where the governing body have failed to comply with a warning notice, to appoint a specially constituted governing body (made up of interim executive members) to replace a school's existing governing body. The Welsh Ministers are also enabled to appoint such a governing body where a school requires significant improvement or requires special measures.

The commencement of the remainder of section 146 repeals section 218 of the Education Reform Act 1988 in full.

Other provisions consequential on the commencement of sections 18 and 146, and also provisions that apply only to England and have already been brought into force by the Secretary of State, but are included simply in order to ensure that the Education Act 2002 is fully commenced.

The effect of the provisions specified in Part 2 of the Schedule to the Order which come into force on 31 March 2008 is as follows—

Section 31 (which is commenced in full) enables the Welsh Ministers to make regulations about the control of school premises.

Section 215(2) and Schedule 22 (which are commenced in part) contain consequential repeals.

Part 3 of the Schedule to the Order contains transitional and savings provisions.