

Draft Order laid before Parliament under section 14(1) of the Legislative and Regulatory Reform Act 2006; draft to lie for forty days, pursuant to section 16(3) of that Act, during which period either House of Parliament may resolve that the Order not be made; or, during the first thirty days a committee of either House may recommend that the Order not be made, which recommendation may be rejected by resolution of that House in the same Session.

DRAFT STATUTORY INSTRUMENTS

[2012] No. 0000

**CHILDREN AND YOUNG PERSONS, ENGLAND
EDUCATION, ENGLAND
REGULATORY REFORM**

The Legislative Reform (Annual Review
of Local Authorities) Order 2012

Made - - - - 2012

Coming into force in accordance with article 1

The Secretary of State for Education makes the following Order in exercise of the powers conferred by section 1 of the Legislative and Regulatory Reform Act 2006⁽¹⁾.

For the purposes of section 3(1) of that Act, the Secretary of State considers that the conditions in section 3(2), where relevant, are met.

The Secretary of State has consulted in accordance with section 13(1) of that Act.

The Secretary of State has laid a draft Order and an explanatory document before Parliament in accordance with section 14(1) of that Act.

Pursuant to section 15 of that Act, the negative resolution procedure (within the meaning of Part 1 of that Act) applies in relation to the making of the Order.

Neither House of Parliament resolved, within the 40-day period referred to in section 16(3) of that Act, that the Secretary of State should not make the Order.

Citation and commencement

1. This Order may be cited as the Legislative Reform (Annual Review of Local Authorities) Order 2012 and comes into force on the day after the day on which it is made.

⁽¹⁾ 2006 c.51; see section 32 for the definition of “Minister of the Crown”.

Interpretation

2. In this Order “the Act” means the Education and Inspections Act 2006(2).

Repeal of duty to review local authorities annually

3. Section 138 of the Act (annual reviews of local authorities in England) is repealed.

Consequential amendments

4.—(1) In section 120(3)(c) of the Act (Children’s Rights Director), omit “and review” (in both places).

(2) In the heading to Chapter 4 of Part 8 of the Act, omit “and Review”.

(3) In the italic cross-heading above section 136 of the Act, omit the words “and annual reviews”.

(4) In section 139 of the Act (power of entry) —

(a) in subsection (1), omit paragraph (b) and the “and” immediately before it; and

(b) in subsection (2), omit “or review”.

(5) In section 140 of the Act (power to inspect documents, etc)—

(a) in subsection (1), omit paragraph (b) and the “and” immediately before it; and

(b) in subsection (2) —

(i) in the opening words omit “or review”; and

(ii) in paragraph (a)(i), omit “or reviewed”.

(6) In paragraph 1(9B)(r) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006(3) (regulated activity), for the words “or a review” to the end, substitute “of that Act (inspections of local authorities in England)”.

Date

Name
Parliamentary Under Secretary of State
Department for Education

(2) 2006 c.40.

(3) 2006 c. 47. Paragraph 1(9B)(r) of Schedule 4 was inserted by S.I. 2010/1154.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 1 of the Legislative and Regulatory Reform Act 2006. Article 3 repeals section 138 of the Education and Inspections Act 2006 (“the Act”), which requires Her Majesty’s Chief Inspector of Education, Children’s Services and Skills to review annually the overall performance by local authorities of functions to which Chapter 4 of Part 8 of the Act applies. Functions to which Chapter 4 of Part 8 of the Act applies are listed in section 135(1) of the Act and include education and social care functions of local authorities towards children. Article 4 makes consequential amendments as a result of the repeal of section 138.

A full impact assessment has not been published for this instrument as it has no impact on the private sector and civil society organisations.