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STATUTORY INSTRUMENTS

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**2001 No. 2237**

**The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001**

**Transfer or delegation of functions relating to student support**

**34.** In section 23 of the Teaching and Higher Education Act 1998 (transfer or delegation of functions relating to student support)—

(a) for subsection (3), there shall be substituted—

“(3) Where any function is so exercisable by a local education authority, the functions shall be taken to be a function of that authority for the purposes of—

- (a) in the case of an authority which is not operating executive arrangements, section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities),
- (b) section 70 of the Deregulation and Contracting Out Act 1994 (contracting out of functions of local authorities), and
- (c) in the case of an authority which is operating executive arrangements, section 13 of the Local Government Act 2000 and accordingly—
  - (i) if, or to the extent that, that function is the responsibility of the executive of that authority sections 14 to 16 and any regulations made under sections 17 to 20 of that Act shall apply; or
  - (ii) if, or to the extent that, that function is not the responsibility of that executive section 101 of the Local Government Act 1972 shall apply”;

(b) after subsection (10) there shall be inserted—

“(11) In this section “executive” and “executive arrangements” have the same meaning as in Part II of the Local Government Act 2000.”.