

SCHEDULE 2

Consequential and Connected Amendments

PART 2

Acts other than the Education Acts

Children Act 1989 (c. 41)

37.—(1) The Children Act 1989 is amended as follows.

(2) In section 24(2)(d)(i) for “, Primary Care Trust or local education authority” substitute “or Primary Care Trust or by a local authority in the exercise of education functions”.

(3) In section 24C(1)—

(a) in subsection (2)(b) for “, Primary Care Trust or local education authority” substitute “or Primary Care Trust or by a local authority in the exercise of education functions”;

(b) after subsection (3) insert—

“(4) In a case where a child was accommodated by a local authority in the exercise of education functions, subsection (2) applies only if the local authority who accommodated the child are different from the local authority within whose area the child proposes to live.”

(4) Omit section 27(3)(b).

(5) Omit section 28.

(6) In section 30—

(a) omit subsection (3);

(b) in subsection (4) for “local education authority” substitute “education”.

(7) In section 36—

(a) in subsection (1) for “local education authority” in both places where those words occur substitute “local authority”;

(b) in subsection (7) for “local education authority” substitute “local authority”;

(c) in subsection (8)—

(i) for “local education authority” substitute “local authority”;

(ii) at the end insert “if different”.

(8) In section 47—

(a) in subsection (5) for “the relevant local education authority” substitute—

“the local authority (as defined in section 579(1) of the Education 1996), if different, specified in subsection (5ZA).

(5ZA) The local authority referred to in subsection (5) is—

(a) the local authority who —

(i) maintain any school at which the child is a pupil, or

(i) make arrangements for the provision of education for the child otherwise than at school pursuant to section 19 of the Education Act 1996, or

(1) Section 24C was inserted by section 4(1) of the Children (Leaving Care) Act 2000 (c. 35).

Changes to legislation: There are currently no known outstanding effects for the *The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010, Paragraph 37*. (See end of Document for details)

- (b) in a case where the child is a pupil at a school which is not maintained by a local authority, the local authority in whose area the school is situated.”;
- (b) in subsection (11) omit paragraph (b).
- (9) In section 80—
 - (a) in subsection (1)(c) for “local education authority or” substitute “local authority in the exercise of education functions or a”;
 - (b) in subsection (5)—
 - (i) in paragraph (e) omit “local education authority.”;
 - (ii) omit paragraph (f);
 - (iii) in paragraph (g) for “a local education authority” substitute “a local authority” and omit “or local education authority”.
- (10) In section 85—
 - (a) in subsection (1) for “, NHS foundation trust or local education authority” substitute “or NHS foundation trust or by a local authority in the exercise of education functions”;
 - (b) after subsection (2) insert—

“(2A) In a case where the child is provided with accommodation by a local authority in the exercise of education functions, subsections (1) and (2) apply only if the local authority providing the accommodation is different from the responsible authority.”
- (11) In section 87(2), in subsections (4), (4A) and (10), for “local education authority” in each place where those words occur substitute “local authority”.
- (12) In section 87B(2)(3) for “local education authority” in both places where those words occur substitute “local authority”.
- (13) In section 105(1)—
 - (a) after the definition of “dwelling house” insert—

““education functions” has the meaning given by section 579(1) of the Education Act 1996;
 - (b) omit the definition of “local education authority”.
- (14) In Schedule 3—
 - (a) in paragraph 17(1)(c) for “the local education authority concerned” substitute “the local authority designated in the order”;
 - (b) in paragraph 19(1) for “the local education authority concerned shall notify the appropriate local authority” substitute “the local authority designated in the order shall notify the appropriate local authority, if different”.
- (15) In paragraph 1(1)(b) of Schedule 9A(4) for “local education authority” substitute “local authority”.

Commencement Information

II Sch. 2 para. 37 in force at 5.5.2010, see art. 1

(2) Section 87(1) to (5) was substituted by section 105(2) of the Care Standards Act 2000.
(3) Section 87B was inserted by section 38 of the Deregulation and Contracting Out Act 1994 (c.40) and subsection (2) amended by section 106(2) of the Care Standards Act 2000.
(4) Schedule 9A was inserted by Schedule 3 to the Care Standards Act 2000.

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Changes to legislation: *There are currently no known outstanding effects for the The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010, Paragraph 37. (See end of Document for details)*

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