

SCHEDULE 2

Consequential and Connected Amendments

PART 1

Education Acts

Education (Fees and Awards) Act 1983 (c. 40)

1. In section 1 of the Education (Fees and Awards) Act 1983 for “local education authority” in each place where those words occur substitute “local authority”.

Further Education Act 1985 (c. 47)

2.—(1) The Further Education Act 1985 is amended as follows.

(2) For “local education authority” and “local education authorities” in each place where those words occur except in section 3(8)(a) and (b) substitute “local authority” and “local authorities” respectively.

(3) In section 3(8)(a) and (b) for “functions as a local education authority” substitute “education functions”.

Education (No 2) Act 1986 (c. 61)

3. In the Education (No 2) Act 1986 for “local education authority” in each place where those words occur substitute “local authority”.

Education Reform Act 1988 (c. 40)

4.—(1) The Education Reform Act 1988 is amended as follows.

(2) For “local education authority” and “local education authorities” in each place where those words occur, except in sections 163, 221, and 231(4), substitute “local authority” and “local authorities” respectively.

(3) In section 163 omit subsection (1).

(4) For subsection (1) of section 221 substitute—

“(1) This section applies to any contract made after 20th November 1987—

(a) for purposes connected with a local authority’s education functions, between the authority and a person employed by the authority; or

(b) between a governing body of a foundation, voluntary aided or foundation special school and a person employed by the governing body,

other than a contract made in contemplation of the employee’s pending dismissal by reason of redundancy.”

(5) In section 231 omit subsection (4).

(6) In section 235(1) omit the definition of “local authority”.

(7) In paragraph 4 of Schedule 7 after sub-paragraph (7) insert—

“(8) In this paragraph “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

(8) In paragraph 3 of Schedule 7A after sub-paragraph (6) insert—

Status: This is the original version (as it was originally made).

“(7) In this paragraph “local authority” includes a non-metropolitan district council for an area for which there is a county council”.

(9) In paragraph 1 of Schedule 10—

(a) in sub-paragraph (5) omit the words after paragraph (d);

(b) after that sub-paragraph insert—

“(6) For the purposes of sub-paragraph (5)—

(a) references to a maintained school or a foundation body have the same meanings as in the School Standards and Framework Act 1998;

(b) “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

Further and Higher Education Act 1992 (c. 13)

5.—(1) The Further and Higher Education Act 1992 is amended as follows.

(2) For “local education authority” and “local education authorities” in each place where those words occur substitute “local authority” and “local authorities” respectively.

(3) In section 23 after subsection (9) insert—

“(10) In this section, except in subsection (1), “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

(4) In section 24 after subsection (5) insert—

“(6) In subsections (3) and (5) “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

(5) In section 36 after subsection (8) insert—

“(9) In subsection (4) “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

(6) In section 38 after subsection (4) insert—

“(5) In this section “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

(7) In section 84 after subsection (3) insert—

“(4) In this section “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

(8) In section 90(1) for the definition of “local authority” substitute—

““local authority” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act).”

(9) In paragraph 1 of Schedule 5 at the end of sub-paragraph (4) insert “; and for the purposes of this sub-paragraph “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

Education Act 1994 (c. 30)

6. In section 11A of the Education Act 1994(1) for “local education authorities” substitute “local authorities”.

(1) Section 11A was inserted by the Education Act 1996, Schedule 37, paragraph 126.

Education Act 1996 (c. 56)

7.—(1) EA 1996 is amended as follows.

(2) For “local education authority” and “LEA” in each place where those words occur substitute “local authority”.

(3) For “local education authorities” and “LEAs” in each place where those words occur substitute “local authorities”.

(4) Sub-paragraphs (2) and (3) are subject to—

(a) sub-paragraph (5);

(b) any amendment made to EA 1996 by any other provision of this Order.

(5) Sub-paragraph (2) does not apply in relation to—

(a) section 17(1)(b);

(b) the first 3 references to “local education authority” in paragraph 4(2)(e) of Schedule 39.

(6) In section 322—

(a) for the title substitute “Duty of certain bodies to help local authority”;

(b) in subsection (1) for the words “any Local Health Board, Primary Care Trust or local authority” substitute “another local authority, a Local Health Board or a Primary Care Trust”;

(c) in subsection (2)(a) for “by the local education authority of those functions” substitute “of those functions by the local authority that made the request”;

(d) in subsection (3) for the words “the case” in each place where they occur substitute “a case where the request is made”;

(e) omit subsection (5).

(7) In section 408—

(a) in subsection (6) omit the words after paragraph (e);

(b) after that subsection insert—

“(6A) Regulations under this section shall not require information as is mentioned in subsection (6) to be made available—

(a) to a governing body except where relevant for the purposes of the performance of any of their functions;

(b) to a head teacher except where relevant for the purposes of the performance of any of the head teacher’s functions;

(c) to a local authority except where relevant for the purposes of the performance of any of their education functions.”

(8) In section 447—

(a) in subsection (2) omit the words “, having consulted the appropriate local authority,”;

(b) after that subsection insert—

“(2A) A local authority may not make a decision as mentioned in subsection (2) unless—

(a) they are the appropriate local authority, or

(b) they have consulted that authority.”;

(c) in subsection (3) for the words “such a direction” substitute “a direction under subsection (2)”.

Status: This is the original version (as it was originally made).

- (9) In section 497A(2)—
- (a) in the title, for the words “LEA’s functions” substitute “local authority’s education functions”;
 - (b) for subsection (1) substitute—

“(1) This section applies to a local authority’s education functions.”
- (10) In section 499—
- (a) in subsection (1) for the words from “functions” to the end substitute “of their education functions”;
 - (b) in subsection (3) for the words from “functions” to the end substitute “of their education functions”;
 - (c) in subsection (5)(b) for the words from “functions as” to “education” substitute “education functions”.
- (11) In section 509AB(7)(3)—
- (a) in paragraph (a) for the words “the local education authority for a district” substitute “a district council for an area”;
 - (b) in paragraph (b) for the words “the local education authority for a London borough or” substitute “a London borough council or the Common Council of”.
- (12) In section 564(3) at the end insert “for the purpose of the exercise of their education functions”.
- (13) In section 566(1)(a) for the words “local education authority” substitute “local authority in connection with the exercise of their education functions”.
- (14) In section 580—
- (a) omit the entries relating to—
 - (i) area (of a local education authority);
 - (ii) local education authority; and
 - (iii) the local education authority;
 - (b) insert each of the following entries at the appropriate place—
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|----------------------------|-----------------|
| “education functions | section 579(1); |
| local authority in England | section 579(1); |
| local authority in Wales | section 579(1)” |
- (15) In paragraph 9 of Schedule 35A(4)—
- (a) the existing provision becomes sub-paragraph (1);
 - (b) after that sub-paragraph add—

“(2) In this paragraph and paragraph 10(1), “local authority” includes a district council for an area for which there is a county council.”
- (16) In paragraph 44(2)(b) of Schedule 39 for the words from “functions with respect to education conferred” to the end, substitute “of the local authority’s education functions”.

(2) Section 497A was inserted by section 8 of the School Standards and Framework Act 1998 (c. 31) and amended by section 60 of the Education Act 2002 (c. 32).

(3) Section 509AB was inserted by Schedule 19 to the Education Act 2002.

(4) Schedule 35A was inserted by Part I of Schedule 7 to the Education Act 2002.

Education Act 1997 (c 44)

8.—(1) The Education Act 1997 is amended as follows.

(2) For “local education authority” and “LEA” in each place where those words occur (except in paragraph (a) of section 38(2A)) substitute “local authority”.

(3) For “local education authorities” and “LEAs” in each place where those words occur substitute “local authorities”.

(4) In section 38(2A)(5) for paragraph (a) substitute—

“(a) any education function of theirs;”.

Teaching and Higher Education Act 1998 (c. 30)

9.—(1) The Teaching and Higher Education Act 1998 is amended as follows.

(2) For “local education authority” and “local education authorities” in each place where those words occur substitute “local authority” and “local authorities” respectively.

(3) In paragraph (a) of section 23(1) omit “for the purposes of the Education Act 1996”.

(4) In section 43(1) at the appropriate place insert—

““local authority” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act);”.

School Standards and Framework Act 1998 (c. 31)

10.—(1) SSFA 1998 is amended as follows.

(2) For “local education authority” and “LEA” in each place where those words occur (except in section 30(2)(d)) substitute “local authority”.

(3) For “local education authorities” and “LEAs” in each place where those words occur substitute “local authorities”.

(4) Sub-paragraphs (2) and (3) are subject to any other amendment made by this paragraph.

(5) In section 23A(10)(6) after the definition of “institution” insert—

““local authority” includes a non-metropolitan district council for an area for which there is a county council;”.

(6) In section 45A(7)—

(a) in subsection (1)—

(i) for “LEA budget” substitute “non-schools education budget”;

(ii) after “all” insert “education”;

(b) in subsection (2) after “all” insert “education”;

(c) in subsection (3) after “planned” insert “education”;

(d) in subsection (4B)(8) for “imposed on the authority in their capacity as a local education authority” substitute “an education function of the authority”;

(e) at the end add—

“(7) In this section “education expenditure” means expenditure incurred by a local authority in connection with the performance of their education functions.”

(5) Section 38 (2A) was inserted by section 51 of the Children Act 2004.

(6) Section 23A was inserted by section 33 of the Education and Inspections Act 2006 (c.40).

(7) Section 45A was inserted by section 41(1) of the Education Act 2002

(8) Section 45A(4B) was inserted by section 202 of the Apprenticeships, Skills, Children and Learning Act 2009

(7) In section 47A(10)(b)(9) omit “in their capacity as a children’s services authority within the meaning of that Act”.

(8) In section 49(4) for “LEA budget” substitute “non-schools education budget”.

(9) In section 52(10)—

- (a) before “expenditure” in each place where that word occurs insert “education”;
- (b) at the end add—

“(7) In this section “education expenditure” has the same meaning as in section 45A.”

(10) In section 77(7) for the definition of “local authority” substitute—

““local authority” includes—

- (a) a non-metropolitan district council for an area for which there is a county council, and
- (b) a parish council;”.

(11) In section 95(2A)(11) for “a local authority in England” substitute “such an authority”.

(12) In section 95A(12)—

(a) for paragraph (a) of subsection (1) substitute—

“(a) the admission authority for a community or voluntary controlled school in England is a local authority;”;

(b) in subsection (2) for “local education authority” substitute “admission authority”.

(13) In section 143—

- (a) omit the entry relating to LEA budget;
- (b) at the appropriate place in the table insert—

“non-schools education budget (in Part 2)	Section 45A(1)”
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(14) In Schedule 22—

(a) in paragraph A5(13)—

(i) in sub-paragraph (3) for the words from “the local education authority” to the end substitute “notice of their intention to do so to the authority mentioned in sub-paragraph (1)(a)”;

(ii) at the end add—

“(4) In this paragraph “local authority” includes a non-metropolitan district council for an area for which there is a county council.”;

(b) in paragraph A11—

(i) in sub-paragraph (3) for the words from “the local education authority” to the end substitute “notice of their intention to do so to the authority mentioned in sub-paragraph (1)(a)”;

(ii) at the end add—

“(4) In this paragraph “local authority” includes a non-metropolitan district council for an area for which there is a county council.”;

(9) Section 47A was inserted by section 43 of the Education Act 2002; subsection (10) is inserted by section 194(8)(b) of the Apprenticeships, Skills, Children and Learning Act 2009.

(10) Section 52 was amended by section 253 of the Apprenticeships, Skills, Children and Learning Act 2009 to apply in relation to Wales only.

(11) Section 95(2A) was inserted by section 48(1) of the Education and Inspections Act 2006.

(12) Section 95A was inserted by section 48(1) of the Education and Inspections Act 2006.

(13) Part A1 of Schedule 22 was inserted by Schedule 4 to the Education and Inspections Act 2006.

- (c) in paragraph A17—
 - (i) in sub-paragraph (3) for the words from “the local education authority” to the end substitute “notice of their intention to do so to the authority mentioned in sub-paragraph (1)(a)”;
 - (ii) at the end add—

“(4) In this paragraph “local authority” includes a non-metropolitan district council for an area for which there is a country council.”;
- (d) in paragraph (c) of paragraph A20(5) after the words “local authority” insert “(within the meaning of paragraph A5, A11 or A17 as the case may be)”;
- (e) in paragraph A23(8)—
 - (i) in paragraph (b) before the word “functions” insert “education”;
 - (ii) in paragraph (c) for the words “local authority” (in the first place where they occur) to the end substitute “authority in the exercise of any of their relevant functions”;
- (f) in paragraph 5 at the end add—

“(7) In this paragraph “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

Education Act 2002 (c. 32)

- 11.**—(1) EA 2002 is amended as follows.
- (2) For “local education authority” and “LEA” in each place where those words occur (except in section 141(4)(b), and in section 175(1) in the second place where those words occur) substitute “local authority”.
 - (3) For “local education authorities” and “LEAs” in each place where those word occur substitute “local authorities”.
 - (4) In section 11(9)—
 - (a) for “any such functions” substitute “the education functions”;
 - (b) for “as are or may become” substitute “that are or may become”.
 - (5) In section 14(3), in the definition of “non-teaching staff”, after “authority” insert “for purposes connected with the authority’s education functions”.
 - (6) In section 15 after subsection (3) add—

“(4) In subsection (3) “local authority” includes a non-metropolitan district council for an area for which there is a country council.”
 - (7) In section 21(10)(14) omit “in their capacity as a children’s services authority (within the meaning of that Act)”.
 - (8) In section 30—
 - (a) in subsection (3) after “authority’s” insert “education”;
 - (b) in subsection (4) for the words from “the governing body” (in the second place where they occur) to the end substitute—

“may be required (either on a regular basis or from time to time)—

 - (a) by the governing body for the purposes of the exercise of any of their functions;

(14) Subsections (5) to (9) were inserted by section 38(1) of the Education and Inspections Act 2002 and subsection (10) is inserted by section 194(9) of the Apprenticeships, Skills, Children and Learning Act 2009.

Status: This is the original version (as it was originally made).

- (b) by the authority for the purposes of the exercise of any of their education functions.”
- (9) In section 141(4) for paragraph (b) substitute—
 - “(b) the other party to the contract is—
 - (i) a local authority which entered into the contract for purposes connected with any of their education functions,
 - (ii) the governing body of a school, or
 - (iii) a further education institution,”.
- (10) In section 142(9), in the definition of “relevant employer”—
 - (a) in paragraph (a) at the end insert “exercising an education function”;
 - (b) in paragraph (b) for the words from “the function” to “authority are” substitute “their education functions are”.
- (11) In section 175(1) for “the functions conferred on them in their capacity as a local education authority” substitute “their education functions”.
- (12) In section 212(1) after the definition of “contract of employment” insert—
 - ““local authority” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act);”.

Higher Education Act 2004 (c. 8)

- 12.** Section 41 of the Higher Education Act 2004 is amended as follows—
 - (a) in subsection (2)(a) for “local education authority” substitute “local authority ”;
 - (b) after subsection (3) insert—
 - “(4) In subsection (2)(a), “local authority” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act).”

Education Act 2005 (c. 18)

- 13.—**(1) EA 2005 is amended as follows.
 - (2) For “local education authority” and “LEA” in each place where those words occur substitute “local authority”.
 - (3) For “local education authorities” and “LEAs” in each place where those words occur substitute “local authorities”.
 - (4) In section 51(1)(a) after “to exercise any” insert “education”.
 - (5) In section 113—
 - (a) in subsection (2)(b), for sub-paragraph (i) substitute—
 - “(i) a local authority, or”;
 - (b) omit subsection (5).
 - (6) In section 114—
 - (a) for subsection (1)(b) substitute—
 - “(b) a local authority,”;
 - (b) omit subsection (8)(b)(i).
 - (7) In section 122(3) after paragraph (e) insert—
 - “(ea) section 113 (information about the school workforce: introductory);”.

Education and Inspections Act 2006 (c.40)

14.—(1) The Education and Inspections Act 2006 is amended as follows.

(2) In Parts 1 to 7 for “local education authority” and “local education authorities” in each place where those words occur (except in section 80) substitute “local authority” and “local authorities” respectively.

(3) For “LEA” and “LEAs” in each place where those words occur substitute “local authority” and “local authorities” respectively.

(4) In section 24 after subsection (8) insert—

“(9) In subsection (4) “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

(5) In section 80(2) omit “in relation to local education authorities with effect”.

(6) In section 123(1)(d) for “local education authorities” substitute “local authorities”.

(7) In sections 124(5)(c), 126(4)(c), 128(3)(b) and (7), 129(2)(c) and 130(3) for “local education authority” substitute “local authority in England”.

(8) In section 135(1) for paragraph (b) substitute—

“(b) the education functions of the authority (as defined in section 579(1) of EA 1996),

Education and Skills Act 2008 (c.25)

15.—(1) The Education and Skills Act 2008 is amended as follows.

(2) For “local education authority” and “local education authorities” in each place where those words occur substitute “local authority” and “local authorities” respectively.

(3) In section 16(2) after paragraph (a) insert—

“(aa) a non-metropolitan district council for an area for which there is a county council,”.

(4) In section 77—

(a) after paragraph (a) of subsection (2) insert—

“(aa) a non-metropolitan district council for an area for which there is a county council,”;

(b) in subsection (3) omit the definition of “local authority”.

(5) In section 78(1)—

(a) before the definition of “parent” insert—

““local authority” has the meaning given by section 579(1) of the Education Act 1996;

(b) in the definition of “parent” for “Education Act 1996” substitute “that Act”.

(6) In section 85—

(a) in subsection (1) for “a children’s services authority in England (a “children’s authority”)” substitute “a local authority in England”;

(b) in subsection (2)(a) for “children’s authority” substitute “local authority”;

(c) in subsection (3)—

(i) for “children’s authority” substitute “local authority”;

(ii) for “children’s authorities” substitute “local authorities in England”;

(d) in subsection (5) for “children’s services authority in England” in both places where those words occur substitute “local authority”.

Apprenticeships, Skills, Children and Learning Act 2009 (c.22)

16.—(1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.

(2) For “local education authority” and “LEA” in each place where those words occur (except in sections 122(5)(c) and 252(2) and (4)) substitute “local authority”.

(3) For “local education authorities” and “LEAs” in each place where those words occur substitute “local authorities”.

(4) In section 50, in subsection (1) of the section 562J inserted into EA 1996, in paragraph (a) of the definition of “the home authority” omit “the local authority”.

(5) In section 51, in subsection (6) of the section 39A inserted into the Crime and Disorder Act 1998 at the appropriate place insert—

““local authority” has the meaning given by section 579(1) of the Education Act 1996;

(6) In section 122—

(a) in subsection (4)(b) for “in its capacity as such” substitute “in connection with its education functions”;

(b) for subsection (5)(c) substitute—

“(c) any education function of a local authority in England,”.

(7) In section 194—

(a) in subsection (2), in the section 12A inserted into the Children Act 2004 for “children’s services authority” and “children’s services authorities” in each place where those words occur substitute “local authority” and “local authorities” respectively;

(b) in subsection (4) for “children’s services authority” substitute “local authority”;

(c) in subsection (8)(b), in paragraph (b) of the subsection (10) inserted into section 47A of SSFA 1998 omit “in their capacity as a children’s services authority within the meaning of that Act”;

(d) in subsection (9)(b), in the subsection (10) inserted into section 21 of EA 2002 omit “in their capacity as a children’s services authority (within the meaning of that Act)”.

(8) In section 196(2), in the subsection (5A) inserted into section 13 of the Children Act 2004, for “children’s services authority” substitute “local authority”.

(9) In section 197, in subsection (3)(a) of the section 14A inserted into the Children Act 2004, for “children’s services authority” substitute “local authority”.

(10) In section 215(4) for “section 12” substitute “section 579(1)”.

(11) In section 216(2)(e) for “section 12” substitute “section 579(1)”.

(12) In section 246, in subsection (5)(b) of the section 93A inserted into the Education and Inspections Act 2006, omit “(within the meaning of the Children Act 1989)”.

(13) In section 247, in subsection (5)(b) of the section 85D inserted into the Further and Higher Education Act 1992, omit “(within the meaning of the Children Act 1989)”.

(14) In section 252—

(a) omit subsection (2);

(b) in subsection (3)(c) omit “, in its capacity as a children’s services authority in England,”;

(c) in subsection (4) for “in its capacity as a local education authority” substitute “in the exercise of its education functions”;

(d) in subsection (5)—

(i) before paragraph (a) insert—

- “(za) specifying additional functions which are to be treated as education functions”;
- (ii) in paragraph (a) omit “education functions or”;
- (e) in subsection (6) omit the definition of “children’s services authority in England”.