

2010 No. 1172

EDUCATION, ENGLAND AND WALES

**The Local Education Authorities and Children's Services
Authorities (Integration of Functions) (Local and Subordinate
Legislation) Order 2010**

Made - - - - *31st March 2010*

Laid before Parliament *7th April 2010*

Coming into force in accordance with article 1(1)

The Secretary of State for Children, Schools and Families makes this Order in exercise of the powers conferred by section 162 of the Education and Inspections Act 2006(a).

1. In accordance with section 162(4) of that Act(b), this Order is made with the consent of the Welsh Ministers.

Citation, commencement and interpretation

2.—(1) This Order may be cited as the Local Education Authorities and Children's Services Authorities (Integration of Functions) (Local and Subordinate Legislation) Order 2010 and comes into force on the thirty-fifth day after the day on which it is made.

(2) In this Order "education subordinate legislation" means subordinate legislation made wholly under powers in any of the Education Acts (within the meaning of the Education Act 1996(c)) and "non-education subordinate legislation" is to be construed accordingly.

Local Acts

3.—(1) In section 16(d) of the Greater London Council (General Powers) Act 1981(d) for "local education authority" substitute "local authority".

(2) The local Acts specified in the first column of Schedule 1 are repealed to the extent specified in the second column.

Amendment of education subordinate legislation

4.—(1) This article applies in relation to England.

(2) The education subordinate legislation specified in Schedule 2 is amended in accordance with that Schedule.

(a) 2006 c.40.

(b) As read with paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(c) 1996 c.56; see section 578.

(d) 1981 c.xvii.

(3) In any provision of education subordinate legislation not specified in Schedule 2 (and in the titles of such subordinate legislation)—

- (a) for “local education authority” and “LEA” in each place where those words occur substitute “local authority”, and
- (b) for “local education authorities” and “LEAs” in each place where those words occur substitute “local authorities”.

Amendment of non-education subordinate legislation

5. The non-education subordinate legislation specified in Schedule 3 is amended in accordance with that Schedule.

31st March 2010

Iain Wright
Parliamentary Under Secretary of State
Department for Children, Schools and Families

SCHEDULE 1

Article 2

Repeal of Local Acts

<i>Short title and Chapter</i>	<i>Extent of repeal</i>
London County Council (General Powers) Act 1938 (c.xxxviii)	Section 7(a)
London County Council (General Powers) Act 1957 (c.xxxv)	Section 48
Greater London Council (General Powers) Act 1968 (c.xxxix)	Section 41
Greater London Council (General Powers) Act 1970 (c. lxxvi)	Section 7(b)

SCHEDULE 2

Article 3

Amendment of Education Subordinate Legislation

Education (London Residuary Body) (Property Transfer)(No 4) Order 1991 (S.I.1991/2778)

1. In regulation 4(4) and (5)(a) of the Education (London Residuary Body) (Property Transfer) (No 4) Order 1991(c) for “functions as the local education authority” substitute “education functions”.

Education (School Attendance Order) Regulations 1995 (S.I .1995/2090)

- 2.—(1) The Education (School Attendance Order) Regulations 1995 are amended as follows.
- (2) In regulation 3 for “local education authority” substitute “local authority”.
 - (3) In the Schedule omit “Local Education Authority” and “Education Authority”.

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- (a) Section 7 is amended by S.I.1965/621.
 - (b) Section 7 is amended by S.I. 2008/1034.
 - (c) Regulation 4 was amended by S.I. 1994/3078, 1998/1239 and 20051542.

Education (Assisted Places) (Incidental Expenses) Regulations 1997 (S.I. 1997/1969)

3. In regulation 3 of the Education (Assisted Places) (Incidental Expenses) Regulations 1997, in paragraph (c) of the definition of “school travel expenditure for “local education authority” substitute “local authority in the exercise of education functions (within the meaning of the Education Act 1996)”.

Education (Infant Class Sizes) (England) Regulations 1998 (S.I. 1998/1973)

4.—(1) The Education (Infant Class Sizes) (England) Regulations 1998 are amended as follows.

(2) In regulation 2—

(a) omit the definition of “LEA”,

(b) in the definitions of “child with a statement” and “statement” for “an LEA” substitute “a local authority”.

(3) In paragraph 5(3) of the Schedule(a) for “LEA” substitute “local authority”.

Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999 (S.I. 1999/124)

5.—(1) The Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999 are amended as follows.

(2) In regulation 2(1) omit the definition of “education authority”.

(3) In regulation 4 for “education authorities” substitute “local authorities”.

(4) In regulations 5 to 11 for “education authority” in each place where those words occur substitute “local authority”.

Education (Foundation Body) (England) Regulations 2000 (S.I. 2000/2872)

6.—(1) The Education (Foundation Body) (England) Regulations 2000 are amended as follows.

(2) In regulation 8 for “local education authority” substitute “local authority”.

(3) For regulation 11(2)(c) substitute—

“(c) not be an elected member of a local authority which maintains any school in the group or a person employed by such an authority in connection with their education functions;”.

(4) In regulations 22, 23, 25 and in Schedule 4 for “local education authority” in each place where those words occur substitute “local authority”.

Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 (S.I. 2001/2218)

7.—(1) The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 are amended as follows.

(2) In the title of the Regulations for “Local Education Authorities” substitute “Local Authorities”.

(3) In regulation 1 (1) for “Local Education Authorities” substitute “Local Authorities”.

(4) In regulation 1(2) omit the definition of “social services authority”.

(5) In regulation 2 for “local education authority” substitute “local authority”.

(6) In regulation 3—

(a) in paragraph (1) for “local education authority” substitute “local authority”,

(a) Paragraph 5(3) was inserted by S.I. 2006/3409.

- (b) for paragraph (1)(a) substitute—
 - “(a) providing a written copy of the information to any Primary Care Trust and any other local authority which in the opinion of the local authority has an interest in that information;”,
- (c) in paragraph (4) for “local education authority” substitute “local authority”, and
- (d) for paragraph (4)(a) substitute—
 - “(a) providing the revised information to a Primary Care Trust or local authority previously provided with information by the local authority pursuant to paragraph (1)(a);”.

(7) In the heading to the Schedule for “LOCAL EDUCATION AUTHORITIES” substitute “LOCAL AUTHORITIES”.

(8) In the Schedule for “local education authority” in each place where the words occur substitute “local authority”.

Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 (S.I. 2001/3455)

8.—(1) The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 are amended as follows.

- (2) In regulation 2—
 - (a) in paragraph (1)—
 - (i) for the definition of “authority” substitute—
 - ““authority” means a local authority;”,
 - (ii) omit the definition of “social services authority”, and
 - (iii) insert the following definition at the appropriate place in alphabetical order—
 - ““social worker” means a person employed or engaged by the authority as a social worker;”.
 - (b) for paragraph (3) substitute—
 - “(3) In these Regulations any reference to the Primary Care Trust is, in relation to a particular child, a reference to the Primary Care Trust in whose area that child lives.”.
 - (3) In regulation 6—
 - (a) in paragraph (2) omit sub-paragraph (a), and
 - (b) in each of paragraphs (4) and (5) for “paragraph (2)(a) to (d)” substitute “paragraph (2)(b) to (d)”.
 - (4) In regulation 7(1) for sub-paragraph (e) substitute—
 - “(e) advice from a social worker.”.
 - (5) In regulation 12—
 - (a) for paragraph (7)(e) substitute—
 - “(e) the authority have requested advice from a Primary Care Trust under regulation 7 (1)(c) and the Primary Care Trust have not complied with that request within six weeks from the date on which it was made;”,
 - (b) after paragraph (7)(h) insert—
 - “(i) the authority have not produced or maintained any social services information or records relevant to the assessment of the child before the date on which they served or gave the notice referred to in regulation 6(1), 6(4) or 6(5) (as appropriate).
- (7A) In paragraph (7)(i) “social services information or records” means information or records produced or maintained by the authority in connection with the exercise of their

social services functions (within the meaning of the Local Authority Social Services Act 1970(a)).”,

(c) for paragraph (8) substitute—

“(8) Subject to paragraphs (9) and (10) where an authority has requested advice from a Primary Care Trust under regulation 7(1)(c) the Primary Care Trust shall comply with that request within six weeks of the date on which they receive it.”,

(d) in paragraph (9)—

(i) omit “or a social services authority”, and

(ii) in sub-paragraph (c) omit “or the social services authority respectively”,

(e) omit paragraph (11).

(6) In regulation 18(6)—

(a) omit “and on the social services authority”, and

(b) in sub-paragraph (a)(i) omit “or social services authority”.

(7) In regulation 21(6)—

(a) for sub-paragraph (c) substitute—

“(c) two representatives of the authority of which one is to be a person employed or engaged by the authority in connection with their education functions and one is to be a social worker;”, and

(b) omit sub-paragraph (g).

(8) In regulation 22—

(a) in paragraph (3)(b) for “a representative of the social services authority” substitute “a social worker”, and

(b) in paragraph (5) after “the authority” insert “who is a person employed or engaged by the authority in connection with their education functions”.

(9) In regulation 23(7) and (8) for “ a local education authority” substitute “an authority”.

(10) In regulation 24(1)(g) for “a social services authority” substitute “an authority”.

(11) In each of Part A and Part B of Schedule 1 for “maintained (Local Education Authority) school, including an LEA-maintained special school” substitute “maintained (local authority) school including a local authority maintained special school”.

(12) In Schedule 2—

(a) in Part 1, in paragraph 2 for “Advice for Social Services Authority” substitute “Social Work advice”,

(b) in Part 6 for “a Primary Care Trust, a social services authority or some other body” substitute “ a Primary Care Trust or some other body, or by a social worker”, and

(c) for the heading to Appendix E substitute “Social Work Advice”.

School Companies Regulations 2002 (S.I. 2002/2978)

9.—(1) The School Companies Regulations 2002 are amended as follows.

(2) In regulations 2, 12, 15, 16, 17, 19, 20, 21, 22, 25, 27, 28, 32 and 33 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 14 of Schedule 1 for “a local education authority” substitute “a local authority in connection with its education functions”.

(a) 1970 c.42.

School Companies (Private Finance Initiative Companies) Regulations 2002 (S.I. 2002/3177)

10.—(1) The School Companies (Private Finance Initiative Companies) Regulations 2002 are amended as follows.

(2) In regulations 2, 6, 7, 8, 9, 11, 12, 13, and 17 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 14 of the Schedule for “a local education authority” substitute “a local authority in connection with its education functions”.

Education (Teacher Student Loans) (Repayment etc.) Regulations 2003 (S.I. 2003/1917)

11.—(1) The Education (Teacher Student Loans) (Repayment etc.) Regulations 2003 are amended as follows.

(2) In regulation 2 for “local education authority” in each place where those words occur substitute “local authority”.

(3) In regulation 4(1)(b) for “or a local education authority” substitute “or with a local authority in connection with its education functions”.

Education (Provision of Information by Independent Schools) (England) Regulations 2003 (S.I. 2003/1934)

12.—(1) The Education (Provision of Information by Independent Schools) (England) Regulations 2003 are amended as follows.

(2) In regulation 4(a)—

(a) in paragraph (2)(a)(iii) for “local education authority” in both places where those words occur substitute “local authority”.

(b) in paragraph (3) for sub-paragraphs (a) and (b) substitute—

“(a) a local authority when exercising any function relating to the provision of education;

(b) a person exercising such a function on behalf of a local authority;”.

(c) In paragraph 5(1) of the Schedule for “local education authority” in both places where those words occur substitute “local authority”.

School Governance (Transition from an Interim Executive Board) (England) Regulations 2004 (S.I. 2004/530)

13.—(1) The School Governance (Transition from an Interim Executive Board) (England) Regulations 2004 are amended as follows.

(2) In regulation 2 for the definition of “local education authority” substitute—

““local authority” means the local authority by which a maintained school is maintained; and”.

(3) In regulation 4—

(a) in paragraph (1)(a) and (b) for “local education authority” substitute “local authority”,

(b) for paragraph (1)(c) substitute—

“(c) “shadow authority governor” means a person appointed as such by the local authority to be a member of the shadow governing body;”, and

(c) in paragraphs (1)(d) and (e), (3) and (4) for “local education authority” in each place where those words occur substitute “local authority”.

(a) Regulation 4 was amended by S.I. 2009/1924.

(4) In regulation 5(1) and (4) for “local education authority” substitute “local authority”.

(5) In regulations 6(c), 7(c), 8(c) and 9(c) for “shadow LEA governors” substitute “shadow authority governors”.

(6) In regulations 11 and 17 for “local education authority” in each place where those words occur substitute “local authority”.

School Governance (Constitution) (England) Regulations 2007 (S.I. 2007/957)

14.—(1) The School Governance (Constitution) (England) Regulations 2007 are amended as follows.

(2) In regulation 3(2) for sub-paragraph (c) substitute—

“(c) the local authority is a reference to the local authority who maintain the school;”.

(3) In regulation 4(2) for “local education authority” substitute “local authority”.

(4) For regulation 6 substitute—

“Authority governors

6.—(1) In these Regulations “authority governor” means a person who is appointed as a governor by the local authority.

(2) A person is disqualified from appointment as an authority governor if that person is eligible to be a staff governor of the school.”.

(5) In regulations 7(3)(b), 8(1) and 9(2)(c) for “local education authority” substitute “local authority”.

(6) For regulation 9(2)(d) substitute—

“(d) employed by the local authority in connection with their education functions.”.

(7) In regulation 12(3)(c) for “LEA governor” substitute “authority governor”.

(8) In regulations 13(1)(c), 14(1)(c), 15(1)(c), 16(1)(c), 17(1)(c) and 18(1)(a) for “LEA governors” substitute “authority governors”.

(9) For the heading to regulation 24 substitute—

“Removal of authority and foundation governors”.

(10) In regulation 24(1) for “LEA governor” substitute “authority governor”.

(11) In regulation 29 for “local education authorities” substitute “local authorities”.

(12) In regulations 31, 32 and 33 for “local education authority” in each place where those words occur substitute “local authority”.

(13) In Schedules 1, 3 and 4 for “local education authority” in each place where those words occur substitute “local authority”.

(14) In paragraph 5(3) of Schedule 6 for “LEA governor” substitute “authority governor”.

School Governance (New Schools) (England) Regulations 2007 (S.I. 2007/958)

15.—(1) The School Governance (New Schools) (England) Regulations 2007 are amended as follows.

(2) In regulations 3, 5, 6 and 7 for “local education authority” in each place where those words occur substitute “local authority”.

(3) For regulation 9 substitute—

“Temporary authority governors.

9.—(1) In these Regulations “temporary authority governor” means a person appointed to be a member of the temporary governing body of a new school by the local authority.

(2) A person is disqualified from appointment as a temporary authority governor of a school if that person is eligible to be a temporary staff governor of a school.”.

(4) In regulations 10, 11 and 12(1) and (3)(c) for “local education authority” in each place where those words occur substitute “local authority”.

(5) For regulation 12(3)(d) substitute—

“(d) is employed by the local authority in connection with their education functions.”.

(6) In regulation 15(1) and (2) for “local education authority” substitute “local authority”.

(7) In regulations 16(1)(c), 17(1)(c), 18(1)(c), 19(1)(b), 20(1)(b) and 21(1)(c) for “temporary LEA governors” substitute “temporary authority governors”.

(8) In regulations 26, 27, 33, 34, 38, 40, 48, 52, 53 and in Schedule 1 for “local education authority” in each place where those words occur substitute “local authority”.

School Governance (Federations) (England) Regulations 2007 (S.I.2007/960)

16.—(1) The School Governance (Federations) (England) Regulations 2007 are amended as follows.

(2) In regulation 3, in the definition of “authority”, for “local education authority” substitute “local authority”.

(3) For the heading to regulation 15 substitute—

“Authority governors”.

(4) In regulation 15(1) and (3) for “LEA governor” substitute “authority governor”.

(5) In regulation 17(1)(a) omit “local education”.

(6) In regulation 18(2)(d) for “functions as a local education authority” substitute “education functions”.

(7) In regulations 21(3)(c), 22(1)(c), 23(1)(c), 24(1)(c), 25(1)(c), 26(1)(c), 27(1)(c), 28(1)(c) and 29(2)(c) for “LEA governors” substitute “authority governors”.

(8) In paragraphs 5(c), 6(c), 8(c), 9(c), 10(c), 11(c) and 12(c) of Schedule 1 for “temporary LEA governors” substitute “temporary authority governors”.

(9) In paragraph 5 of Schedule 7 for “local education authority” and “local education authorities” in each place where those words occur substitute “local authority” and “local authorities” respectively.

(10) In paragraph 1 of Schedule 8 for “local education authority” in each place where those words occur substitute “local authority”.

School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 (S.I. 2007/1288)

17.—(1) The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 are amended as follows.

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

(3) In Schedule 7 for “Local Education Authority A” and “Local Education Authority B” in each place where those words occur substitute “Local Authority A” and “Local Authority B” respectively.

School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (S.I. 2007/1289)

18.—(1) The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 are 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 36 of Schedule 5 for “Local Education Authority A” and “Local Education Authority B” in each place where those words occur substitute “Local Authority A” and “Local Authority B” respectively.

(4) In Schedule 6(a) after paragraph 22 insert—

“Interpretation

22A. In this Schedule “local authority” includes a non-metropolitan district council for an area for which there is a county council.”.

School Organisation (Transitional Provisions) (England) Regulations 2007 (S.I. 2007/1355)

19.—(1) The School Organisation (Transitional Provisions) (England) Regulations 2007 are amended as follows.

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

(3) In regulation 31 and in Schedule 1 for “Local Education Authority A” and “Local Education Authority B” in each place where those words occur substitute “Local Authority A” and “Local Authority B”.

(4) In paragraph 23 of Schedule 4 at the appropriate place insert—

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

Education (Supply of Information about the School Workforce) (No 2) (England) Regulations 2007 (S.I. 2007/2260)

20.—(1) The Education (Supply of Information about the School Workforce) (No 2) (England) Regulations 2007 are amended as follows.

(2) In regulation 3(1) for the definition of “authority” substitute—

““authority” means a local authority in England;”.

(3) Omit regulation 11.

School Finance (England) Regulations 2008 (S.I. 2008/228)

21.—(1) The School Finance (England) Regulations 2008 are amended as follows.

(2) In regulation 1 for “local education authority” and “local education authorities” in each place where those words occur substitute “local authority” and “local authorities” respectively.

(3) In the heading to Part 2 for “LOCAL EDUCATION AUTHORITY” substitute “LOCAL AUTHORITY”.

(4) In the heading to Chapter 1 (of Part 2) for “THE LEA BUDGET” substitute “THE NON-SCHOOLS EDUCATION BUDGET”.

(5) For the heading to regulation 3 substitute—

(a) Schedule 6 was amended by S.I.1997/3464.

“The Non-schools Education Budget”.

- (6) In regulation 3(1)—
- (a) for “local education authority” (in the first place where those words occur) substitute “local authority”, and
 - (b) for “a local education authority’s LEA budget” substitute “a local authority’s non-schools education budget”.
- (7) In the heading to regulation 4 for “local education authority’s” substitute “local authority’s”.
- (8) In regulation 4 for “local education authority” substitute “local authority”.
- (9) In regulation 5 for “local education authority” in each place where those words occur substitute “local authority”.
- (10) In regulation 6—
- (a) for “A local education authority’s LEA budget” substitute “A local authority’s non-schools education budget”, and
 - (b) in paragraph (d) for “local education authority” substitute “local authority”.
- (11) In regulations 7 to 28 for “local education authority” in each place where those words occur substitute “local authority”.
- (12) In the heading to Schedule 1 for “THE LEA BUDGET OF A LOCAL EDUCATION AUTHORITY” substitute “THE NON-SCHOOLS EDUCATION BUDGET OF A LOCAL AUTHORITY”.
- (13) in Schedule 1—
- (a) in paragraphs 9 and 19 for “local education authority” substitute “local authority”,
 - (b) in paragraph 20 for “in their capacity as a local education authority” substitute “in connection with the authority’s education functions”, and
 - (c) in paragraph 22 for “local education authorities” substitute “local authorities”.
- (14) In the heading to Schedule 2 for “LOCAL EDUCATION AUTHORITY” substitute “LOCAL AUTHORITY”.
- (15) In Schedule 2 for “local education authority” in each place where those words occur substitute “local authority”.
- (16) In the heading to Schedule 3 for “LOCAL EDUCATION AUTHORITY’S” substitute “LOCAL AUTHORITY’S”.
- (17) In Schedules 3 and 4 for “local education authority” in each place where those words occur substitute “local authority”.
- (18) In Schedule 5—
- (a) for “the local education authority’s scheme” substitute “the local authority’s scheme”, and
 - (b) in paragraph 9 for “the authority’s LEA budget” substitute “the authority’s non-schools education budget”.

Education (Budget Statements) (England) Regulations 2008 (S.I .2008/377)

22.—(1) The Education (Budget Statements) (England) Regulations 2008 are amended as follows.

- (2) In regulation 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 regulation 4—
- (a) for “local education authority” in each place where those words occur substitute “local authority”,
 - (b) in paragraph (3)(b) for “their LEA budget” substitute “their non-schools education budget”,

- (c) in paragraph (5)(b) for “their LEA budget” substitute “their non-schools education budget”, and
- (d) in paragraph (5)(b)(i) for “the LEA and schools budget” substitute “the non-schools education budget and the schools budget”.

(4) In regulation 5 for “local education authority” in each place where those words occur substitute “local authority”.

School Admissions (Admission Arrangements) (England) Regulations 2008 (S.I. 2008/3089)

23. In regulation 2(1) of the School Admissions (Admission Arrangements) (England) Regulations 2008 omit the definition of “local authority”.

School Information (England) Regulations 2008 (S.I.2008/3093)

24. In regulation 2 of the School Information (England) Regulations 2008 omit the definition of “local authority”.

Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 2 and Transitional and Saving Provisions) Order 2010 (S.I. 2010/303)

25.—(1) The Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 2 and Transitional and Saving Provisions) Order 2010 is amended as follows.

(2) In article 11(1) and (3) for “children’s services authority” substitute “local authority”.

(3) In article 12(2) for “the local education authority by which the school is maintained, in their capacity as a children’s services authority (within the meaning of that Act)” substitute “the local authority by which the school is maintained”.

SCHEDULE 3

Article 4

Amendment of non-education subordinate legislation

Radioactive Substances (Schools etc.) Exemption Order 1963 (S.I. 1963/1832)

1. In article 4(a) of the Radioactive Substances (Schools etc) Exemption Order 1963 for “local education authority” substitute “local authority”.

Children (Performances) Regulations 1968 (S.I. 1968/1728)

2. In regulation 42(1) of the Children (Performances) Regulations 1968 in the definitions of “licensing authority” and “local authority” for “local education authority” substitute “local authority”.

Local Authorities (Goods and Services) (Public Bodies) Order 1975 (S.I. 1975/193)

3. In the Schedule to the Local Authorities (Goods and Services) (Public Bodies) Order 1975 (in the part headed “EDUCATIONAL BODIES”) for “Local Education Authority” substitute “local authority”.

Secure Tenancies (Designated Courses) Regulations 1980 (S.I. 1980/1407)

4. In regulation 2(c) of the Secure Tenancies (Designated Courses) Regulations 1980 for “local education authority” substitute “local authority (within the meaning of the Education Act 1996)”.

Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981 (S.I.1981/257)

5. In regulation 4(2), (3) and (4)(c)(a) of the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981 for “local education authority” substitute “local authority”.

Motor Vehicles (Tests) Regulations 1981 (S.I. 1981/1694)

6. In regulation 5(3)(b) of the Motor Vehicles (Tests) Regulations 1981(b) for “local education authority” substitute “local authority”.

Crown Court Rules 1982 (S.I.1982/1109)

7. In rule 10B(1) of the Crown Court Rules 1982(c) omit “local education authority”.

Personal Injuries (Civilians) Scheme 1983 (S.I.1983/686)

8. In paragraphs 18(3) and 19(h) of Schedule 1 to the Personal Injuries (Civilians) Scheme 1983 for “local education authority” substitute “local authority”.

Local Authorities (Expenditure Powers) Order 1984 (S.I. 1984/197)

9. In article 1(2) of the Local Authorities (Expenditure Powers) Order 1984 for “local authorities which are not local education authorities” substitute “local authorities which are non-metropolitan district councils for areas for which there is a county council, and parish councils”.

Public Service Vehicles (Registration of Local Services) Regulations 1986 (S.I. 1986/1671)

10. In regulation 9(2)(f) of the Public Service Vehicles (Registration of Local Services) Regulations 1986 for “local education authority” substitute “local authority (within the meaning of the Education Act 1996) in connection with the exercise of its functions relating to education”.

Statutory Maternity Pay (General) Regulations 1986 (S.I. 1986/1960)

11. In regulation 14(f) of the Statutory Maternity Pay (General) Regulations 1986(d) for “local education authority” substitute “local authority (within the meaning of the Education Act 1996)”.

Parish and Community Meetings (Polls) Rules 1987 (S.I. 1987/1)

12. In rule 7(1)(a) of the Poll Rules in the Schedule to the Parish and Community Meetings (Polls) Rules 1987 for “local education authority” substitute “local authority (within the meaning of the Education Act 1996)”.

Income Support (General) Regulations 1987 (S.I. 1987/1967)

13. In regulation 61(1) of the Income Support (General) Regulations 1987(e), in the definition of “education authority” for “a local education authority as defined in section 114(1) of the Education Act 1944 (interpretation)” substitute “a local authority as defined in section 579 of the Education Act 1996 (interpretation)”.

(a) Regulation 4 was substituted by S.I. 1982/20.

(b) Paragraph (3) was amended by S.I. 1984/1672, S.I. 1988/1894 and S.I. 1998/1672.

(c) Rule 10B was inserted by S.I.1988/952.

(d) Regulation 14(f) was amended by S.I. 1990/622.

(e) The definition of “education authority” was amended by S.I. 1996/1944.

Family Credit (General) Regulations 1987 (S.I. 1987/1973)

14. In regulation 37 of the Family Credit (General) Regulations 1987, in the definition of “education authority” for “a local education authority as defined in section 114(1) of the Education Act 1944 (interpretation)” substitute “a local authority as defined in section 579 of the Education Act 1996 (interpretation)”.

Copyright (Application of Provisions relating to Educational Establishments to Teachers) (No2) Order 1989 (S.I. 1989/1067)

15. In article 2(a) of the Copyright (Application of Provisions relating to Educational Establishments to Teachers) (No 2) Order 1989 for “local education authority” substitute “local authority (within the meaning of the Education Act 1996) or, in Northern Ireland, a local education authority”.

Road Vehicles Lighting Regulations 1989 (S.I. 1989/1796)

16.—(1) Regulation 11 of the Road Vehicles Lighting Regulations 1989 is amended as follows.

(2) In paragraph (4)(c)(i)(b) for “local education authority” substitute “local authority (within the meaning of the Education Act 1996) in connection with the exercise of its functions relating to education”.

(3) In paragraph (5) for “local education authority” substitute “local authority”.

Non-Domestic Rating (Miscellaneous Provisions) (No. 2) Regulations 1989 (S.I. 1989/2303)

17. In regulation 2(3) of the Non-Domestic Rating (Miscellaneous Provisions) (No.2) Regulations 1989(c) in paragraph (b)(i) of the definition of “educational hereditament” for “local education authority” substitute “local authority (within the meaning of the Education Act 1996)”.

Arrangements for Placement of Children (General) Regulations 1991 (S.I. 1991/890)

18.—(1) Regulation 5 of the Arrangements for Placement of Children (General) Regulations 1991 is amended as follows.

(2) For paragraph (1)(c)(d) substitute—

“(c) the local authority, if it is different from the area authority, specified in paragraph (1A);”.

(3) After paragraph (1) insert—

“(1A) The local authority referred to in paragraph (1)(c) is—

(a) the local authority which —

(i) maintains any school at which the child is, or is proposed to be, a pupil , or

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

(b) in a case where the child is a pupil at a school which is not maintained by a local authority, the local authority for the area of which the school is situated.”.

Placement of Children with Parents etc. Regulations 1991 (S.I. 1991/893)

19.—(1) Regulation 8 of the Placement of Children with Parents etc. Regulations 1991 is amended as follows.

(a) Article 2 was amended by S.I. 2003/2498.

(b) Paragraphs (3) to (6) of regulation 11 were inserted by S.I. 1994/2280.

(c) Relevant amending instruments are S.I. 1993/544, 2000/532 and 2000/908.

(d) Regulation 5(1)(c) was amended by S.I. 2002/546.

- (2) For paragraph (4)(b)(a) substitute—
 “(b) the local authority, if it is different from the area authority, specified in paragraph (4A);”.
- (3) After paragraph (4) insert—
 “(4A) The local authority referred to in paragraph (1)(c) is—
 (a) the local authority which —
 (i) maintains any school at which the child is, or is proposed to be, a pupil , or
 (ii) makes arrangements for the provision of education for the child otherwise than at school pursuant to section 19 of the Education Act 1996, or
 (b) in a case where the child is a pupil at a school which is not maintained by a local authority, the local authority for the area of which the school is situated.”.

Family Proceedings Rules 1991 (S.I. 1991/1247)

- 20.**—(1) The Family Proceedings Rules 1991 are amended as follows.
- (2) For the heading to rule 4.27 substitute—
 “Direction to local authority to apply for education supervision order”
- (3) In rule 4.27 for “local education authority” in both places where the words occur substitute “local authority”.
- (4) In paragraph 1 of Form C 17 in Appendix 1**(b)** —
 (a) after “Prior consultation” insert “(where applicable)”,
 (b) for “State the name of the local authority whose Social Services Committee has been consulted” substitute “State the name of any other local authority which has been consulted”, and
 (c) before “local authority” (in the second and third places where those words occur) insert “other”.
- (5) In each of forms C 37 and C 38 in Appendix 1 for “local education authority” substitute “local authority”.
- (6) In column (iii) (respondents) of Appendix 3**(c)** (in the entry relating to section 36(1) etc.) for “local education authority concerned” substitute “local authority designated in the order”.

Family Proceedings Courts (Children Act 1989) Rules 1991 (S.I. 1991/1395)

- 21.**—(1) The Family Proceedings Courts (Children Act 1989) Rules 1991 are amended as follows.
- (2) For the heading to rule 31 substitute—
 “Direction to local authority to apply for education supervision order”
- (3) In rule 31 for “local education authority” in both places where the words occur substitute “local authority”.
- (4) In paragraph 1 of Form C 17 in Schedule 1**(d)**—
 (a) after “Prior consultation” insert “(where applicable)”,
 (b) for “State the name of the local authority whose Social Services Committee has been consulted” substitute “State the name of any other local authority which has been consulted”, and

(a) Regulation 8(4)(b) was amended by S.I. 2002/546.
 (b) Appendix 1 was substituted by S.I. 1994/3155.
 (c) Appendix 3 was substituted by S.I. 1992/2067.
 (d) Appendix 1 was substituted by S.I. 1994/3155.

(c) before “local authority” (in the second and third places where those words occur) insert “other”.

(5) In each of forms C 37 and C 38 in Schedule 1 for “local education authority” substitute “local authority”.

(6) In column (iii) (respondents) of Schedule 2, (in the entry relating to section 36(1) etc.) for “local education authority” substitute “local authority”.

Children (Secure Accommodation) Regulations 1991 (S.I. 1991/1505)

22.—(1) Regulation 7 of the Children (Secure Accommodation) Regulations 1991 is amended as follows.

(2) In paragraph (1)(a) for “local education authorities” substitute “local authorities in the exercise of education functions”.

(3) In paragraph (2)(a) for “local education authority” substitute “local authority in the exercise of education functions”.

(4) in paragraph (2)(b) for “local education authorities” substitute “local authorities”.

Children (Secure Accommodation) (No.2) Regulations 1991 (S.I. 1991/2034)

23. In regulation 2(1) of the Children (Secure Accommodation) (No.2) Regulations 1991—

(a) for “local education authority” in the first place where those words occur substitute “local authority in the exercise of education functions”, and

(b) for “local education authority” in the second place where those words occur substitute “local authority”.

Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887)

24. In regulation 41 of the Disability Working Allowance (General) Regulations 1991, in the definition of “education authority” for “local education authority as defined in section 114(1) of the Education Act 1944 (interpretation)” substitute “local authority as defined in section 579 of the Education Act 1996 (interpretation)”.

Social Security (Disability Living Allowance) Regulations 1991 (S.I. 1991/2890)

25. In regulation 9(3)(b) of the Social Security (Disability Living Allowance) Regulations 1991(a) for “local education authorities” substitute “local authorities”.

Taxes (Relief for Gifts) (Designated Educational Establishments) Regulations 1992 (S.I. 1992/42)

26.—(1) The Taxes (Relief for Gifts) (Designated Educational Establishments) Regulations 1992 are amended as follows.

(2) In paragraphs 1 and 3 of Part I of the Schedule for “local education authority” substitute “local authority”.

(3) In paragraph 4 of Part III of the Schedule(b) for “local education authority” substitute “local authority”.

Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207)

27.—(1) The Jobseeker’s Allowance Regulations 1996 are amended as follows.

(a) Regulation 9 was substituted by S.I. 2007/2875.

(b) Paragraph 4 of the Schedule was substituted by SI 1993/561.

(2) In regulation 14(1)(u)(ii)(a) for “a local education authority” substitute “a local authority (as defined in section 579 of the Education Act 1996)”.

(3) In regulation 130, in the definition of “education authority” for “a local education authority as defined in section 114(1) of the Education Act 1944” substitute “a local authority as defined in section 579 of the Education Act 1996”.

Housing Renewal Grants Regulations 1996 (S.I 1996/2890)

28. In regulation 41 of the Housing Renewal Grants Regulations of 1996 in the definition of “education authority” for “a local education authority as defined in section 114(1) of the Education Act 1944 (interpretation)” substitute “a local authority as defined in section 579 of the Education Act 1996 (interpretation)”.

Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997 (SI 1997/311)

29.—(1) The Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997 are amended as follows.

(2) In regulation 2(2)—

(a) insert the following definition at the appropriate place in alphabetical order—

““local authority” has the same meaning as in the Education Act 1996;” and

(b) in the definition of “appropriate person” for “local education authority” (in both places where those words occur) substitute “local authority”.

(3) In regulation 2(4) for “local education authority” substitute “local authority”.

(4) In regulations 3(4), (5)(a) and (7)(a), (b) and (c), 4(8)(b), 5 and 6(b) in each place where those words occur for “local education authority” substitute “local authority”.

(5) In Schedule 1 for “local education authority” in each place where those words occur substitute “local authority”.

Teachers’ Pensions Regulations 1997 (SI 1997/3001)

30.—(1) The Teachers’ Pensions Regulations 1997 are amended as follows.

(2) In regulations A3, B1(1) and B3A(8)(c) for “local education authority” in each place where those words occur substitute “local authority”.

(3) In regulation B1A(d)—

(a) in paragraph (1)(a) for “a local education authority or an accepted function provider” substitute “a local authority in connection with the exercise of education functions or by an accepted function provider”,

(b) in paragraph (3)(a) for “a local education authority or an accepted function provider” substitute “a local authority in connection with the exercise of education functions or by an accepted function provider”, and

(c) in paragraph (4)(b) for “a local education authority or an accepted function provider” substitute “a local authority in connection with the exercise of education functions or by an accepted function provider”.

(4) in paragraphs (6)(b) and (7)(b) for “local education authority” substitute “local authority”.

(a) Regulation 14(1)(u) was inserted by S.I. 2008/3051.

(b) In regulation 3 paragraph (4) was inserted by S.I. 2000/644 and paragraph (7) amended by S.I. 1999/608; regulation 6 was substituted by S.I. 2006/2216.

(c) Regulation A3 was inserted by S.I. 1998/2255 relevant amendments were made by S.I.200/655, 2002/2431 and 2004/587; regulation B3A was inserted by S.I. 2000/665.

(d) Regulation B1A was inserted by S.I.2004/587

- (5) In regulation G5(7**(a)**) for “local education authorities” substitute “local authorities”.
- (6) In Schedule 1—
- (a) after the definition of “Education Action Forum”**(b)** insert the following definition—
“Education functions Construe in accordance with section 579 of the Education Act 1996”,
 - (b) in the definition of “Employer”**(c)** for “local education authority” substitute “local authority”,
 - (c) in the definition of “function provider”**(d)**—
 - (i) for “local education authority” in the first two places where those words occur substitute “local authority”, and
 - (ii) for “a function of that local education authority” substitute “an education function of that local authority”, and
 - (d) after the definition of “independent school” insert the following definition—
“Local authority Construe in accordance with section 579 of the Education Act 1996”.
- (7) In Schedule 2—
- (a) in paragraphs 1 and 2**(e)** for “local education authority” substitute “local authority”,
 - (b) in paragraph 6 for “local education authority” substitute “local authority in connection with the exercise of its education functions”,
 - (c) in paragraph 15 for “local education authority” substitute “local authority”,
 - (d) in paragraph 19 for “local education authority” substitute “local authority in connection with the exercise of its education functions”,
 - (e) in paragraph 20(d) for “local education authority” substitute “local authority”,
 - (f) in paragraph 20(d)(i) for “local education authority” substitute “local authority in connection with the exercise of its education functions”,
 - (g) in paragraph 23 for “local education authority” substitute “local authority”, and
 - (h) in paragraph 26**(f)** for “local education authority” substitute “local authority in connection with the exercise of its education functions”.

Assured and Protected Tenancies (Lettings to Students) Regulations 1998 (S.I. 1998/1967)

31.—(1) The Assured and Protected Tenancies (Lettings to Students) Regulations 1998 are amended as follows.

- (2) In regulation 2—
- (a) after the definition of “higher education” insert—
““local authority” has the same meaning as in section 579 of the Education Act 1996;”,
and
 - (b) in paragraph (a) of the definition of “publicly funded” for “local education authority” substitute “local authority”.
- (3) In regulation 4(b) for “local education authority” substitute “local authority”.

(a) Regulation G5 was substituted by S.I. 2006/3122.
(b) The definition of “Education Action Forum” was inserted by S.I. 1998/2255.
(c) The definition of “employer” was inserted by S.I. 1998/2255.
(d) The definition of “Function Provider” was inserted by S.I. 2000/655 and substituted by S.I. 2000/2431.
(e) Paragraph 2 was amended by S.I. 1999/607 and S.I. 2004/587.
(f) Paragraph 26 was substituted by S.I. 2004/587.

Right to Time Off for Study or Training (Scotland) Regulations 1999 (S.I. 1999/1058)

32. In the Schedule to the Right to Time Off for Study or Training (Scotland) Regulations 1999 (in the section headed “E Entry Level Qualification Awarding Bodies(a)”) for “Birmingham Local Education Authority” substitute “Birmingham City Council”.

Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 (S.I. 1999/2277)

33.—(1) The Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 is amended as follows.

(2) In paragraph 1 of Section 3 of Schedule 1 for “local education authorities” substitute “local authorities (within the meaning of the Education Act)”.

(3) For paragraph 20 of Section 4 of Part II of Schedule 2(b) substitute—

“20. A person who during the period of employment performed an education function of a local authority pursuant to a direction given by the Secretary of State under section 497A(4) of the Education Act, and in this paragraph “education function” and “local authority” have the same meanings as in the Education Act.”.

Data Protection (Subject Access Modification) (Social Work) Order 2000 (S.I. 2000/415)

34. In paragraph 1(f) of the Schedule to the Data Protection (Subject Access Modification) (Social Work) Order 2000 for “local education authority” substitute “local authority”.

NHS and Local Authorities Partnership Arrangements Regulations 2000 (S.I. 2000/617)

35.—(1) Regulation 6 of the NHS and Local Authorities Partnership Arrangements 2000 is amended as follows.

(2) For paragraph (b) substitute—

“(b) the functions under sections 7 or 8 of the Disabled Persons (Services, Consultation and Representation) Act 1986;”.

(3) In paragraph (d) for “local education authorities” substitute “local authorities”.

Parent Governor Representatives (England) Regulations 2001 (S.I. 2001/478)

36.—(1) The Parent Governor Representatives (England) Regulations 2001 are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of “education overview and scrutiny committee” for “local education authority” substitute “local authority”, and

(b) in the definition of “relevant committee” for “functions which are conferred on the local education authority or authorities in their capacity as a local education authority or authorities” substitute “education functions of the local authority or authorities”.

(3) In regulation 2(2)—

(a) insert the following entries in the table at the appropriate place—

““education functions” Schedule 36A to the Education Act 1996
“local authority” section 579 of the Education Act 1996”, and

(b) in the last entry in the first column of the table for “local education authority” substitute “local authority”.

(a) The relevant provision in this section of the Schedule was inserted by S.S.I. 2001/211.

(b) Paragraph 26 was substituted by S.I. 2001/866.

(4) In regulations 3 to 9 for “local education authority” in each place where those words occur substitute “local authority”.

(5) In regulation 11—

(a) for paragraph (1) substitute—

“(1) This regulation applies in a case where the local authority is the Council of the Isles of Scilly or the Common Council of the City of London.”,

(b) in paragraph (3), in sub-paragraphs (c)(ii) and (d)(ii) for “local education authority” substitute “local authority”.

(6) In regulation 12(3) for “local education authority” substitute “local authority”.

Right to Time Off for Study or Training Regulations 2001 (S.I. 2001/2801)

37. In the Schedule to the Right to Time Off for Study or Training Regulations 2001 (in the section headed “C Entry Level Qualification Awarding Bodies”) for “Birmingham Local Education Authority” substitute “Birmingham City Council”.

Children (Leaving Care) (England) Regulations 2001 (S.I. 2001/2874)

38. In regulation 7(5)(d) of the Children (Leaving Care) (England) Regulations 2001 for “the local education authority for the area in which he lives” substitute “the local authority (if different) for the area in which the child lives if that authority has exercised any education functions in relation to him”.

Local Authorities (Goods and Services) (Public Bodies) (England) (No.4) Order 2001 (SI 2001/3347)

39. In article 4(b) of the Local Authorities (Goods and Services) (Public Bodies) (England) (No.4) Order 2001 for “local education authority” substitute “local authority”.

Race Relations Act 1976 (Statutory Duties) Order 2001 (S.I. 2001/3458)

40.—(1) The Race Relations Act 1976 (Statutory Duties) Order 2001 is amended as follows.

(2) In article 4(3)(b) for “Local Education Authorities” substitute “local authorities”.

(3) At the end of article 4(6) insert “and references to “local authorities” are references to local authorities within the meaning of the Education Act 1996”.

(4) In Schedule 2—

(a) in Part I for “Local Education Authority” substitute “local authority within the meaning of the Education Act 1996”,

(b) in Part III for “A Local Education Authority” substitute “A local authority within the meaning of the Education Act 1996”.

Children’s Homes Regulations 2001 (S.I. 2001/3967)

41. In regulation 2(1) of the Children’s Homes Regulations 2001, in paragraph (b) of the definition of “placing authority” for sub-paragraph (ii) substitute—

“(ii) if he is accommodated in a qualifying school under arrangements made by a local authority (whether in the exercise of education functions within the meaning of the Education Act 1996 or otherwise), that local authority.”.

Contracting Out (Local Education Authority Functions) (England) Order 2002 (S.I. 2002/928)

42.—(1) The Contracting Out (Local Education Authority Functions) (England) Order 2002 is amended as follows.

(2) In the title of the Regulations for “Local Education Authority Functions” substitute “Local Authority Education Functions”.

(3) In article 1(1) for “Local Education Authority Functions” substitute “Local Authority Education Functions”.

(4) Article 2 is renumbered article 2(1) and after article 2(1) (as so renumbered) insert—

“(2) In this Order “local authority” has the same meaning as in the Education Act 1996.”.

(5) In article 3 for “local education authority” in both places where those words occur substitute “local authority”.

(6) In Schedule 1—

(a) for “local education authority” in each place where those words occur substitute “local authority”, and

(b) in paragraph (c) for “LEA” substitute “local authority”.

(7) In Schedule 2—

(a) for “local education authority” and “local education authorities” in each place where those words occur substitute “local authority” and “local authorities” respectively, and

(b) Omit paragraph (bba)(a).

(8) In Schedule 3—

(a) for “local education authority” and “local education authorities” in each place where those words occur substitute “local authority” and “local authorities” respectively, and

(b) for “LEA” in each place where it occurs substitute “local authority”.

Bus Service Operators Grant (England) Regulations 2002 (S.I. 2002/1015)

43. In regulation 3(1)(a)(i) of the Bus Operators Grant (England) Regulations 2002 for “local education authority” substitute “local authority”.

Travel Concessions (Eligible Services) Order 2002 (S.I. 2002/1016)

44. In article 3(1)(a)(i) of the Travel Concessions (Eligible Services) Order 2002 for “local education authority” substitute “local authority”.

Social Security (Jobcentre Plus Interviews) Regulations 2002 (S.I. 2002/1703)

45. In regulation 2(1) of the Social Security (Jobcentre Plus Interviews) Regulations 2002, in paragraph (a) of the definition of “the Careers Service” for “local education authority” substitute “local authority”.

Child Tax Credit Regulations 2002 (S.I. 2002/2007)

46. In regulation 2(1) of the Child Tax Credit Regulations 2002, in paragraph (a) of the definition of “the Careers Service” for “local education authority” substitute “local authority”.

Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 (S.I. 2002/2822)

47. In regulation 36(f) of the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 for “local education authority” substitute “local authority”.

(a) Paragraph (bba) of Schedule 2 was inserted by S.I. 2003/2704.

Crime and Disorder Strategies (Prescribed Descriptions) (England) Order 2004 (S.I. 2004/118)

48. In article 2(2)(c) of the Crime and Disorder Strategies (Prescribed Descriptions) Order 2004 for “local education authority” substitute “local authority”.

Magistrates’ Courts (Parenting Orders) Rules 2004 (S.I. 2004/247)

49.—(1) The Magistrates’ Courts (Parenting Orders) Rules 2004(a) are amended as follows.

(2) In Schedule 1 for “Local Education Authority” in each place where those words occur substitute “Local Authority”.

(3) In Schedule 2 for “Local Education Authority” substitute “Local Authority”.

European Parliamentary Elections Regulations 2004 (SI 2004/293)

50.—(1) The European Parliamentary Elections Regulations 2004 are amended as follows.

(2) In Schedule 1(b), in paragraph 26(2)(a) for “local education authority” substitute “local authority (as defined in the Education Act 1996)”.

(3) In Schedule 8—

(a) in paragraph 1 for “local education authority” substitute “local authority (within the meaning of the Education Act 1996)”,

(b) in paragraph 4 for “local education authority” substitute “local authority (within the meaning of the Education Act 1996)”, and

(c) in paragraph 5(a) for “local education authority” substitute “local authority (within the meaning of the Education Act 1996)”.

Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962)

51. In rule 20(1)(a) of the Regional Assembly and Local Government Referendum Rules contained in Schedule 1 to the Regional Assembly and Local Government Referendums Order 2004 for “local education authority” substitute “local authority (within the meaning of the Education Act 1996)”.

Adoption Agencies Regulations 2005 (S.I. 2005/389)

52.—(1) Regulation 35(6) of the Adoption Agencies Regulations 2005 is amended as follows.

(2) Insert “and” at the end of sub-paragraph (a).

(3) At the end of sub-paragraph (b) for “; and” substitute “and, where the child is of compulsory school age, include in the notification to the local authority information about the child’s educational history and whether the child has been or is likely to be assessed for special educational needs under the Education Act 1996”.

(4) Omit sub-paragraph (c).

Adoptions with a Foreign Element Regulations 2005 (S.I. 2005/392)

53.—(1) The Adoptions with a Foreign Element Regulations 2005 are amended as follows.

(2) Omit regulation 5(1)(d).

(3) In regulation 22—

(a) insert “and” at the end of sub-paragraph (a),

(a) Schedules 1 and 2 were amended by S.I. 2007/2222.

(b) Schedule 1 was substituted by S.I. 2009/186.

- (b) at the end of paragraph (b) for “; and” substitute “and, where the child is of compulsory school age, include in the notification to the local authority information about the child’s educational history and whether the child has been or is likely to be assessed for special educational needs under the Education Act 1996”, and
- (c) omit paragraph (c).

Local Government (Best Value) Performance Indicators and Performance Standards (England) Order 2005 (S.I. 2005/598)

54. In Schedule 2 to the Local Government (Best Value) Performance Indicators and Performance Standards (England) Order 2005, in indicator 2, for “the local education authority” substitute “the authority”.

Adoption Support Services Regulations 2005 (S.I. 2005/691)

55.—(1) The Adoption Support Services Regulations 2005 are amended as follows.

- (2) In regulation 2 omit the definition of “local education authority”.
- (3) In regulation 5(1) omit sub-paragraph (d).
- (4) In regulation 14(4)—
 - (a) for “a local education authority” (in the first place where those words occur) substitute “another local authority”, and
 - (b) for “local education authority” (in the second place where those words occur) substitute “local authority”.
- (5) In regulation 16(3)—
 - (a) for “a local education authority” (in the first place where those words occur) substitute “another local authority”, and
 - (b) for “local education authority” (in the second place where those words occur) substitute “local authority”.

Special Guardianship Regulations 2005 (S.I. 2005/1109)

56.—(1) The Special Guardianship Regulations 2005 are amended as follows.

- (2) In regulation 4(1) omit sub-paragraph (e).
- (3) In regulation 12(3)—
 - (a) for “local education authority” (in the first place where those words occur substitute “another local authority”, and
 - (b) for “local education authority” (in the second place where those words occur) substitute “local authority”.
- (4) In regulation 14(3)—
 - (a) for “a local education authority” (in the first place where those words occur) substitute “another local authority”, and
 - (b) for “local education authority” (in the second place where those words occur) substitute “local authority”.

Children Act 2004 (Children’s Services) Regulations 2005 (S.I. 2005/1972)

57. In regulation 2(1) of the Children Act 2004 (Children’s Services) Regulations 2005—

- (a) for sub-paragraph (w) substitute—
 - “(w)in pursuance of an education function (as defined in the Education Act 1996) conferred on or exercisable by a local authority other than a function specified in or under section 18(3) of the 2004 Act (director of children’s services);”.

(b) for sub-paragraph (x) substitute—

“(x) in pursuance of any other function conferred on a local authority under the 2004 Act, other than a function conferred under sections 10, or 12 to 19 of that Act;”.

Children Act 2004 (Joint Area Reviews) Regulations 2005 (SI 2005/1973)

58.—(1) The Children Act 2004 (Joint Area Reviews) Regulations 2005 are amended as follows.

(2) In regulations 3(3)(a) and (4) and 4(1) for “children’s services authority” substitute “local authority”

(3) In the Schedule—

(a) in paragraph 1 omit the definition of “local education authority”, and

(b) in paragraph 8(2) for “children’s services authority” substitute “local authority”.

Income Tax (Construction Industry Scheme) Regulations 2005 (S.I. 2005/2045)

59. For regulation 21 of the Income Tax (Construction Industry Scheme) Regulations 2005 substitute—

“Payment as agent of local authority

21. A payment under a construction contract is not a contract payment if the payment is made by the governing body or head teacher of a maintained school as the agent of a local authority under section 49(5)(b) of the School Standards and Framework Act 1998 (delegated budget).”.

Children and Young People’s Plan (England) Regulations 2005 (S.I. 2005/2149)

60.—(1) The Children and Young People’s Plan (England) Regulations 2005 are amended as follows.

(2) In regulation 2, in the definition of “authority” for “children’s services authority” substitute “local authority”.

(3) In regulation 9(a) for “children’s services authority” in each place where those words occur substitute “local authority”.

Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 (S.I. 2005/2966)

61.—(1) The Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 are amended as follows.

(2) In the definition of “school” in regulation 1(2) for “local education authority” substitute “local authority (within the meaning of the Education Act 1996)”.

(3) In Parts II and IV of Schedule 1 for “local education authority” substitute “local authority (within the meaning of the Education Act 1996)”.

Local Safeguarding Children Boards Regulations 2006 (S.I. 2006/90)

62.—(1) The Local Safeguarding Children Boards Regulations 2006 are amended as follows.

(2) In regulation 2(1) for “children’s services authority” substitute “local authority”.

(3) In regulation 2(2)—

(a) Regulation 9 was amended by S.I. 2007/57.

- (a) in sub-paragraph (a) for “children’s services authority” substitute “local authority”, and
- (b) in sub-paragraph (b) for “children’s services authorities” substitute “local authorities”.
- (4) In regulation 3A(a) omit “in their capacity as a local education authority”.
- (5) In regulation 5(1)(a)(vi) for “children’s services authorities” substitute “local authorities”.

Functions of Primary Care Trusts (Dental Public Health) (England) Regulations 2006 (S.I. 2006/185)

63. In regulation 2(2)(b) of the Functions of Primary Care Trusts (Dental Public Health) (England) Regulations 2006 for “local education authorities” substitute “local authorities”.

Housing Benefit Regulations 2006 (S.I. 2006/213)

64. In regulation 53(1) of the Housing Benefit Regulations 2006 in the definition of “education authority” for “a local education authority specified in section 12 of the Education Act 1996 (local education authorities and their areas)” substitute “a local authority as defined in section 579 of the Education Act 1996 (interpretation)”.

Council Tax Benefit Regulations 2006 (S.I. 2006/215)

65. In regulation 43(1) of the Council Tax Benefit Regulations 2006, in the definition of “education authority” for “a local education authority as defined in section 12 of the Education Act 1996 (interpretation)” substitute “a local authority as defined in section 579 of the Education Act 1996 (interpretation)”.

Child Benefit (General) Regulations 2006 (S.I. 2006/223)

66. In regulation 1(3) of the Child Benefit (General) Regulations 2006, in the definition of “the Careers Service” for “local education authority” substitute “local authority”.

Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (S.I. 2006/2914)

67. In regulation 2(1)(b) of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, in paragraph (c) of the definition of “employing authority” for “local education authority” substitute “local authority”.

Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006 (S.I. 2006/2930)

68.—(1) The Schedule to the Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006 is amended as follows.

(2) In the entry relating to the governing body of an educational establishment for “local education authority” substitute “local authority (within the meaning of the Education Act 1996)”.

(3) For the entry “A local authority with respect to the pupil referral units it establishes and maintains in England by virtue of section 19 of the Education Act 1996” substitute “A local authority (within the meaning of the Education Act 1996) with respect to the pupil referral units it establishes and maintains in England by virtue of section 19 of that Act”.

(4) Omit the entry “A local education authority in England”.

(a) Regulation 3A was inserted by S.I. 2010/622.

(b) The definition of “employing authority” was substituted by regulation 3 of S.I. 2009/3150.

Local Elections (Principal Areas) (England and Wales) Rules 2006 (S.I. 2006/3304)

69.—(1) The Local Elections (Principal Areas) (England and Wales) Rules 2006 are amended as follows.

(2) In rule 20(1)(a) in Schedule 2 for “local education authority” substitute “local authority (as defined in the Education Act 1996)”.

(3) In rule 20(1)(a) in Schedule 3 for “local education authority” substitute “local authority (as defined in the Education Act 1996)”.

Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305)

70.—(1) The Local Elections (Parishes and Communities) (England and Wales) Rules are amended as follows.

(2) In rule 20(1)(a) in Schedule 2 for “local education authority” substitute “local authority (within the meaning of the Education Act 1996)”.

(3) In rule 20(1)(a) in Schedule 3 for “local education authority” substitute “local authority (within the meaning of the Education Act 1996)”.

Local Authorities (Mayorial Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024)

71.—(1) The Local Authorities (Mayorial Elections) (England and Wales) Regulations 2007 are amended as follows.

(2) In rule 22(1)(a) of the Mayorial Elections Rules in Schedule 1 for “local education authority” substitute “local authority (as defined in the Education Act 1996)”.

(3) In rule 22 (1)(a) of the Mayorial Elections (Combination of Polls) Rules in Schedule 3 for “local education authority” substitute “local authority (as defined in the Education Act 1996)”.

Equality Act (Sexual Orientation) Regulations 2007 (S.I. 2007/1263)

72.—(1) The Equality Act (Sexual Orientation) Regulations 2007 are amended as follows.

(2) For the heading to regulation 7 substitute—

“Educational establishments, education functions and education authorities”

(3) In regulation 7 for paragraph (4) substitute—

“(4) It is unlawful—

- (a) for a local authority in England and Wales in exercise of education functions, or
- (b) for an education authority in Scotland in exercise of their functions

to discriminate against a person.”

(4) In regulation 20—

(a) in paragraph (2)—

- (i) for “local education authority” substitute “local authority”,
- (ii) for “by virtue of regulation 7 or 8” substitute “by virtue of regulation 7 or, in the exercise of education functions, regulation 8”,

(b) after paragraph (5) insert—

“(6) In this regulation “local authority” and “education functions” have the same meaning as in the Education Act 1996.”.

(5) In Schedule 3 for “local education authority” in each place where those words occur substitute “local authority”.

Finance Act 2003, Section 66 (Prescribed Statutory Provisions) Order 2007 (S.I. 2007/1385)

73. In article 2(a)(i) of the Finance Act 2003, Section 66 (Prescribed Statutory Provisions) Order 2007 for “local education authority” substitute “local authority”.

Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007 (S.I. 2007/1869)

74. In regulation 2(1) of the Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007 omit the definition of “local education authority”.

Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089)

75.—(1) The Local Authorities (Conduct of Referendums) (England) Regulations 2007 are amended as follows.

(2) In rule 11(1)(a) of the Local Government Act Referendums Rules in Schedule 3 for “local education authority” substitute “local authority (as defined in the Education Act 1996)”.

(3) In rule 11(1)(a) of the Local Government Act Referendums (Combination of Polls) in Schedule 5 for “local education authority” substitute “local authority (as defined in the Education Act 1996).”

Children Act 2004 Information Database (England) Regulations 2007 (S.I. 2007/2182)

76. In regulation 2(1) of the Children Act 2004 Information Database (England) Regulations 2007 for the definition of “local authority” substitute—

““local authority” means a local authority in England;”.

Greater London Authority Elections Rules 2007 (S.I. 2007/3541)

77.—(1) The Greater London Authority Elections Rules 2007 are amended as follows.

(2) In each of the following provisions for “local education authority” substitute “local authority (as defined in the Education Act 1996)”—

rule 21 (1)(a) of the Constituency Members Election Rules in Schedule 1,

rule 22(1)(a) of the London Members Election Rules in Schedule 2,

rule 21(1)(a) of the Mayorial Election Rules in Schedule 3,

rule 21(1)(a) of the Constituency Members Election Rules in Schedule 5,

rule 22(1)(a) of the London Members Election Rules in Schedule 6, and

rule 21(1)(a) of the Mayorial Election Rules in Schedule 7.

Local Government Pension Scheme (Administration) Regulations 2008 (S.I. 2008/239)

78.—(1) The Local Government Pension Scheme (Administration) Regulations 2008 are amended as follows.

(2) In regulation 8 for “local education authority” in each place where those words occur substitute “local authority”.

(3) In Schedule 1—

(a) for the definition of “local authority” substitute—

““local authority”—

(a) has the same meaning as in the Local Government Act 1972, except in the provisions specified in paragraph (b), and

(b) in regulation 8, paragraph 4 of Part 2 of Schedule 2 and paragraph 3 of Part 1 of Schedule 4 has the same meaning as in section 579(1) of the Education Act 1996 ;”
, and

(b) omit the definition of “local education authority”.

(4) In paragraph 4 of Part 2 of Schedule 2 for “local education authority” substitute “local authority”.

(5) In paragraph 3 of Part 1 of Schedule 4 for “local education authority” substitute “local authority”.

Police Authority Regulations 2008 (S.I. 2008/630)

79. In regulation 16(2)(a) of the Police Authority Regulations 2008 for “a local education authority” substitute “such a council”.

Metropolitan Police Authority Regulations 2008 (S.I. 2008/631)

80. In regulation 14(2)(a) of the Metropolitan Police Authority Regulations 2008 for “a local education authority” substitute “such a council”.

Employment and Support Allowance Regulations 2008 (S.I. 2008/794)

81. In regulation 131 of the Employment and Support Allowance Regulations 2008, in the definition of “education authority” for “a local education authority as defined in section 212 of the Education Act 2002 (interpretation)” substitute “a local authority as defined in section 579 of the Education Act 1996 (interpretation)”.

Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008 (S.I. 2008/2867)

82.—(1) Regulation 25 of the Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008 is amended as follows.

(2) In paragraph (1)(a) for “local education authority” substitute “local authority”.

(3) In paragraph (3) for “local education authorities” substitute “local authorities”.

(4) In paragraphs (4) and (5) for “local education authority” substitute “local authority”.

National Child Measurement Programme Regulations 2008 (S.I. 2008/3080)

83. In regulation 2(1) of the National Child Measurement Programme Regulations 2008 for “local education authorities” substitute “local authorities”.

Local Government (Structural Changes) (Further Transitional and Supplementary Provision and Miscellaneous Amendments) Regulations 2009 (S.I. 2009/276)

84.—(1) Regulation 3 of the Local Government (Structural Changes) (Further Transitional and Supplementary Provision and Miscellaneous Amendments) Regulations 2009 is amended as follows.

(2) In paragraphs (1) (in both places where those words occur), (2), (3), (4) and (5) for “local education authority” substitute “local authority”.

(3) In paragraph (4) for “LEA” substitute “local authority”.

(4) After paragraph (6) insert—

“(7) In this regulation “local authority” has the same meaning as in the Education Act 1996.”

EXPLANATORY NOTE

(This note is not part of the Order)

This order follows on from the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158).

That order repealed the definitions of "local education authority" in section 12 of the Education Act 1996 and "children's services authority in England" and "children's services authority in Wales" in section 65 of the Children Act 2004, replaced references to those authorities with a single reference to a local authority in England and in Wales and made various consequential and connected amendments.

This order makes similar provision for local and subordinate legislation.

Article 2, with Schedule 1, substitutes local education authority for local authority in one item of local legislation and repeals various provisions in local legislation which contain references to a local education authority, where the provision is spent or is no longer of any practical utility.

Article 3 with Schedule 2 amends education subordinate legislation. Schedule 2 contains specific amendments to education subordinate legislation, amendments which substitute local authority for local education authority or children's services authority and make other consequential or connected amendments. The amendments in Schedule 2 cover provisions where the general amendment in article 3(3) would not produce a satisfactory result. Article 3(3) then applies to any provision not listed in Schedule 2 and contains a general substitution of local authority for local education authority. The majority of references to local education authority are dealt with by article 3(3). This article applies in relation to England only; the Welsh Ministers are making a separate order covering education legislation which applies in relation to Wales.

Article 4, with Schedule 3, makes similar amendments to non education subordinate legislation but all the relevant provisions are individually listed in Schedule 3. Article 4 is not limited to England, but non education subordinate legislation which applies only in relation to Wales is not amended in Schedule 3. Again such legislation is to be covered in a separate order made by the Welsh Ministers.

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