Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Local Education Authorities and Children's Services Authorities (Integration of Functions) (Subordinate Legislation) (Wales) Order 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2010 No. 1142 (W.101)

EDUCATION, WALES

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

Made - - - -	*31 March 2010*
Laid before the National Assembly for Wales - -	*1 April 2010*
Coming into force in accordance with article 1(1)	

The Welsh Ministers make this Order, in exercise of the powers conferred by section 162 of the Education and Inspections Act 2006(**1**).

Title, commencement and interpretation

1.—(1) The title of this Order is the Local Education Authorities and Children's Services Authorities (Integration of Functions) (Subordinate Legislation) (Wales) Order 2010 and it 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) and "non-education subordinate legislation" is to be construed accordingly.

Commencement Information

I1 Art. 1 in force at 5.5.2010 in accordance with art. 1(1)

Amendment of Education Subordinate Legislation

2.—(1) This article applies in relation to Wales.

(2) The education subordinate legislation specified in Schedule 1 is amended in accordance with that Schedule.

(**1**) 2006 c. 40. Functions of the National Assembly for Wales under section 162 were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). Section 162 was amended by section 23 of the Learner Travel (Wales) Measure 2008 (nawm 2), by paragraph 11 of the Schedule to the Education (Wales) Measure 2009 (nawm 5) and by paragraph 20 of Schedule 1 to the Children and Families (Wales) Measure 2010 (nawm 1).

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Local Education Authorities and Children's Services Authorities (Integration of Functions) (Subordinate Legislation) (Wales) Order 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) In any provision of education subordinate legislation not specified in Schedule 1 and in the titles of such subordinate legislation, for "local education authority" and "LEA" in each place where those words occur substitute "local authority" and for "local education authorities" and "LEAs" in each place where those words occur substitute "local authorities".

Commencement Information

I2 Art. 2 in force at 5.5.2010 in accordance with art. 1(1)

Amendment of Non-education Subordinate Legislation

3. The non-education subordinate legislation specified in Schedule 2 (which relate to local education authorities in Wales) is amended in accordance with that Schedule.

Commencement Information

I3 Art. 3 in force at 5.5.2010 in accordance with art. 1(1)

Leighton Andrews
Minister for Children, Education and Lifelong Learning, one of the Welsh Ministers

31 March 2010

SCHEDULE 1

Article 2

Amendment of Education Subordinate Legislation

Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994

1.—(1) The Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994(**2**) are amended as follows.

(2) In regulation 2—

(a) omit the definition of "local authority";

(b) in the definition of "non-maintained special school" for "local education authority" substitute "local authority";

(c) for the definition of "relevant local education authority" substitute—

""relevant local authority" in relation to a child with a statement means the local authority by whom the statement is maintained;".

(3) In Schedule 1—

(a) for paragraph 5(2) substitute—

"(2) Before any decision is taken as to whether a child is to be excluded the proprietor or head teacher shall, unless it would not be appropriate to do so in any case, give written notice to—

(a) his parents;

(b) the local authority in whose areas the school is situated; and

(c) (if different) the local authority who have arranged for the placing of the child,

stating the grounds for the proposed exclusion, and shall take into account any representation made by them.";

(b) in paragraphs 8 and 10(1) for "local education authority" substitute "local authority".

(4) In Schedule 2—

(a) in paragraph 6 for "the local education authority in whose area the school is situated, any local education authority or, as the case may be, local authority who have arranged the placing of a child at the school and the local authority in whose area the school is situated" substitute "the local authority in whose area the school is situated and any other local authority who have arranged the placing of a child at the school";

(b) in the heading to paragraph 8 for "local education authorities" substitute "local authorities";

(c) in paragraphs 8(1) and (5), 9(1) and 10(1)(b) and (3)(b) for "local education authority" substitute "local authority";

(d) in paragraph 11(1) omit "local education authority or";

(e) in paragraph 11(2) for "a local authority or the relevant local education authority" substitute "the local authority in whose area the school is situated and (if different) the relevant local authority"; and

(f) in paragraph 12(3) omit "local education authority or, as the case may be".

(**2**) S.I.1994/651 as amended by S.I. 1998/417, 2001/3710 (W.306), 2002/808 (W.89), 2005/2929 (W.214).

Commencement Information
I4 Sch. 1 para. 1 in force at 5.5.2010 in accordance with art. 1(1)

Education (School Attendance Order) Regulations 1995

2.—(1) The Education (School Attendance Order) Regulations 1995(**3**) are amended as follows.

(2) In regulation 2(**4**) for "local education authority" substitute "local authority".

(3) In the Schedule omit "Local Education Authority" and "Education Authority".

Commencement Information
I5 Sch. 1 para. 2 in force at 5.5.2010 in accordance with art. 1(1)

Education (Assisted Places) (Incidental Expenses) Regulations 1997

3. In regulation 3 of the Education (Assisted Places) (Incidental Expenses) Regulations 1997(**5**), 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)".

Commencement Information
I6 Sch. 1 para. 3 in force at 5.5.2010 in accordance with art. 1(1)

Education (Infant Class Sizes) (Wales) Regulations 1998

4.—(1) The Education (Infant Class Sizes) (Wales) Regulations 1998(**6**) 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".

Commencement Information
I7 Sch. 1 para. 4 in force at 5.5.2010 in accordance with art. 1(1)

Education (Foundation Body) (Wales) Regulations 2001

5.—(1) The Education (Foundation Body) (Wales) Regulations 2001(**7**) are amended as follows.

(**3**) S.I. 1995/2090.
(**4**) As published the Education (School Attendance Order) Regulations 1995 contain two regulations with the number 1, and the regulation bearing the number 2 is the third regulation.
(**5**) S.I. 1997/1969 as amended by S.I. 1998/1585, 1999/1505, 2003/1779 (W.193), 2008/510 (W.46), 2008/1879.
(**6**) S.I. 1998/1943 as amended by S.I. 2003/2959 (W.277), 2009/828 (W. 75).
(**7**) S.I. 2001/2709 (W.228) as amended by S.I. 2009/2544 (W.206).

(2) In regulation 7 for "local education authority" substitute "local authority".

(3) For regulation 10(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 its education functions".

(4) In regulations 21(9), 22(5) and 24(1)(d) and in paragraph 7(6) of Schedule 2, for "local education authority" in each place where those words occur substitute "local authority".

Commencement Information

I8 Sch. 1 para. 5 in force at 5.5.2010 in accordance with art. 1(1)

Change of Category of Maintained Schools (Wales) Regulations 2001

6.—(1) The Change of Category of Maintained Schools (Wales) Regulations 2001(**8**) are amended as follows.

(2) For "local education authority" in each place where those words occur substitute "local authority" and for "local education authorities" in each place where those words occur substitute "local authorities".

(3) In regulation 15A for "LEA governor" substitute "authority governor".

Commencement Information

I9 Sch. 1 para. 6 in force at 5.5.2010 in accordance with art. 1(1)

Education (Budget Statements) (Wales) Regulations 2002

7.—(1) The Education (Budget Statements) (Wales) Regulations 2002(**9**) are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of "authority" for "local education authority" substitute "local authority";

(b) omit the definition of "LEA number"; and

(c) insert in the appropriate alphabetical order—

""authority number" means the reference number allocated to the authority by the Welsh Ministers;".

(3) In regulation 4(6)(c) for "LEA number" substitute "authority number".

(4) In Schedule 1—

(a) in Table 1 for "LEA Name" substitute "Local Authority's Name" and for "LEA Code" substitute "Local Authority's Code";

(b) in the Notes to Part 1 in paragraphs 1, 5(b) and 15 for "LEA" substitute "local authority".

(5) In Schedule 2 in Table 2 for "LEA" substitute "Local Authority" and for "LEA No." substitute "Authority No.".

(**8**) S.I. 2001/2678 (W.219) as amended by S.I. 2005/2916 (W.213), 2006/173 (W.24).
(**9**) S.I. 2002/122 (W.16) as amended by S.I. 2005/2913 (W.210).

Commencement Information

I10 Sch. 1 para. 7 in force at 5.5.2010 in accordance with art. 1(1)

Education (Special Educational Needs) (Wales) Regulations 2002

8.—(1) The Education (Special Educational Needs) (Wales) Regulations 2002(**10**) 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;"; and

(b) in paragraph (3) omit the words "or the social services authority" and "or social services authority".

(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) in paragraph (7)(e) omit the words "or a social services authority", "or (e) respectively" and "or the social services authority";

(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(**11**)).";

(c) in paragraph (8) substitute "and (10)" for ", (10) and (11)" and omit "or a social services authority", "or (e) respectively" and "or social services authority";

(d) in paragraph (9)—

(i) omit "or a social services authority"; and

(ii) in sub-paragraph (c) omit "or the social services authority respectively";

(**10**) S.I. 2002/152 (W.20) as amended by S.I. 2002/3135, 2003/1717 (W.184).
(**11**) 1970 c. 42.

(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 its education functions".

(9) In regulation 23(7) and (8) for "local education authority" substitute "local authority".

(10) In regulation 24(1)(g) for "social services authority" substitute "local authority".

(11) In Part A and Part B of Schedule 1 for "maintained (LEA) 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 in the heading Appendix E for "the Social Services Authority" substitute "the Social Worker".

Commencement Information

I11 Sch. 1 para. 8 in force at 5.5.2010 in accordance with art. 1(1)

Special Educational Needs (Provision of Information by Local Education Authorities) (Wales) Regulations 2002

9.—(1) The Special Education Needs (Provision of Information by Local Education Authorities (Wales) Regulations 2002(**12**) 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—

(**12**) S.I. 2002/157 (W.23) as amended by S.I. 2005/2913 (W.210).

(a) in paragraph (1) for "local education authority" in each place where those words occur substitute "local authority";

(b) in paragraph (1)(a) for "social services authority" substitute "any other local authority";

(c) in paragraph (4) for "local education authority" in each place where those words occur substitute "local authority"; and

(d) in paragraph (4)(a) for "social services authority" substitute "other local authority".

(7) In the title to the Schedule for "Local Education Authorities" substitute "Local Authorities".

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

Commencement Information
I12 Sch. 1 para. 9 in force at 5.5.2010 in accordance with art. 1(1)

Education (Teacher Student Loans) (Repayment etc.) Regulations 2003

10.—(1) The Education (Teacher Student Loans) (Repayment etc.) Regulations 2003(**13**) are amended as follows.

(2) In regulation 2(1) 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".

Commencement Information
I13 Sch. 1 para. 10 in force at 5.5.2010 in accordance with art. 1(1)

Schools Forums (Wales) Regulations 2003

11.—(1) The Schools Forums (Wales) Regulations 2003(**14**) are amended as follows.

(2) In regulations 1(3) and 2 for "local education authority" substitute "local authority".

(3) In regulation 11 for "LEA budget" substitute "non-schools education budget".

Commencement Information
I14 Sch. 1 para. 11 in force at 5.5.2010 in accordance with art. 1(1)

LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003

12.—(1) The LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003(**15**) are amended as follows.

(2) In the title of the Regulations for "LEA Budget" substitute "Non-schools Education Budget".

(**13**) S.I. 2003/1917 as amended by S.I. 2005/3238 (W.243), 2005/3309.
(**14**) S.I. 2003/2909 (W.275) as amended by S.I. 2005/2913 (W.210), 2005/3238 (W.243), 2006/5.
(**15**) S.I. 2003/3118 (W.296) as amended by S.I. 2004/696, 2005/2913 (W.210), 2005/3238 (W.243).

(3) In regulation 1(1) for "LEA Budget" substitute "Non-schools Education Budget".

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

(5) In regulation 4 for "local education authority" in each place where those words occur other than in the second sub-paragraph (a) in paragraph (2) substitute "local authority".

(6) In regulation 4(2) in the second sub-paragraph (a) for "a local education authority's LEA budget" substitute "a local authority's non-schools education budget".

(7) For the heading to regulation 5 substitute—

"**The Non-schools Education Budget"**

(8) In regulation 5(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".

(9) In regulation 6 for "local education authority" substitute "local authority".

(10) 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".

(11) In Schedule 1—

(a) in paragraph 18 for "local education authority" substitute "local authority";

(b) in paragraph 19 for "in their capacity as a local education authority" substitute "in connection with their education functions".

(12) In the heading to Schedule 2 for "LOCAL EDUCATION AUTHORITY" substitute "LOCAL AUTHORITY".

(13) In Schedule 2, in paragraphs 9, 10, 18 and 21 for "local education authority" in each place where those words occur substitute "local authority".

Commencement Information

I15 Sch. 1 para. 12 in force at 5.5.2010 in accordance with art. 1(1)

Education (Pupil Information) (Wales) Regulations 2004

13.—(1) The Education (Pupil Information) (Wales) Regulations 2004(**16**) are amended as follows.

(2) In regulation 2(1)—

(a) for "local education authority" in each place where those words occur, other than in the definition of "LEA number", substitute "local authority";

(b) omit the definition of "LEA number"; and

(c) insert in the appropriate alphabetical order–

""authority number" is a combination of numbers allocated to a local authority which is particular to that authority, determined by the Welsh Ministers;".

(**16**) S.I. 2004/1026 (W.123) as amended by S.I. 2004/2914 (W.253), 2005/1396 (W.110), 2005/3239 (W.244), 2007/3563 (W.313).

(3) In regulations 3, 4, 5, 6 and 10 for "local education authority" in each place where those words occur substitute "local authority".

(4) In paragraph 8 of Schedule 1 for "LEA" substitute "authority".

Commencement Information
I16 Sch. 1 para. 13 in force at 5.5.2010 in accordance with art. 1(1)

Schools Budget Shares (Wales) Regulations 2004

14.—(1) The Schools Budget Shares (Wales) Regulations 2004(**17**) are amended as follows.

(2) In regulation 2(1) in the definition of "the 2003 Regulations" for "the LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003" substitute "the Non-Schools Education Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003".

(3) In regulations 2, 4 to 8, 10 to 14, 16 to 22 and in the Schedule for "local education authority" in each place where those words occur substitute "local authority".

Commencement Information
I17 Sch. 1 para. 14 in force at 5.5.2010 in accordance with art. 1(1)

Education (LEA Financial Schemes) (Wales) Regulations 2004

15.—(1) The Education (LEA Financial Schemes) (Wales) Regulations 2004(**18**) are amended as follows.

(2) In the title of the Regulations and in regulation 1(1) for "LEA" substitute "Local Authority".

(3) In regulations 2(2), 4, 5 and 6 and in the Schedule for "local education authority" in each place where those words occur substitute "local authority".

(4) In paragraph 9 of the Schedule for "LEA budget" substitute "non-schools education budget".

Commencement Information
I18 Sch. 1 para. 15 in force at 5.5.2010 in accordance with art. 1(1)

New Maintained Schools (Wales) Regulations 2005

16.—(1) The New Maintained Schools (Wales) Regulations 2005(**19**) are amended as follows.

(2) In regulations 3, 5, 6, 8 and 9(1), (2), (3) and (7)(a) for "local education authority" in each place where those words occur substitute "local authority".

(3) For regulation 9(7)(b) substitute—

"(b) is employed by the local authority in connection with its education functions; or".

(**17**) S.I. 2004/2506 (W.224) as amended by S.I. 2005/2913 (W.210), 2005/3238 (W.243), 2008/1866 (W. 178).
(**18**) S.I. 2004/2507 (W.225).
(**19**) S.I. 2005/2912 (W.209).

(4) In regulations 10 and 11 for "local education authority" in each place where those words occur substitute "local authority".

(5) For regulation 12 substitute—

"**Temporary authority governors**

12.—(1) A "temporary authority governor" is 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 he or she is eligible to be a temporary staff governor or a temporary teacher governor of a school.".

(6) In regulations 13, 15, 16(1) and (3)(d) for "local education authority" in each place where those words occur substitute "local authority".

(7) For regulation 16(3)(e) substitute—

"(e) is employed by the local authority in connection with its education functions.".

(8) In regulations 21, 26, 27, 30, 33, 34, 35, 36, 38, 39, 43 and 44 for "local education authority" in each place where those words occur substitute "local authority".

Commencement Information
I19 Sch. 1 para. 16 in force at 5.5.2010 in accordance with art. 1(1)

Government of Maintained Schools (Wales) Regulations 2005

17.—(1) The Government of Maintained Schools (Wales) Regulations 2005(**20**) are amended as follows.

(2) In regulations 3(2)(c) and 4(2)(a) for "local education authority" substitute "local authority".

(3) For regulation 4(2)(b) substitute—

"(b) employed by the local authority in connection with its education functions;".

(4) For regulation 7 substitute—

"**Authority governors**

7.—(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 or continuing to hold office as an authority governor of a school if he or she is eligible to be a teacher or staff governor of the school.".

(5) In regulations 8(3), 9(1) and 10(2)(d) for "local education authority" substitute "local authority".

(6) For regulation 10(2)(e) substitute—

"(e) employed by the local authority in connection with its education functions.".

(7) In the Tables in regulations 13, 14 and 15 for "LEA governors" substitute "Authority governors".

(8) In regulation 15(4) and (5)(a) for "local education authority" substitute "local authority".

(**20**) S.I. 2005/2914 (W.211) as amended by S.I. 2005/3200 (W.236), 2006/873 (W.81), 2007/944 (W.80), 2009/2544 (W.206).

(9) In the Tables in regulations 16, 17, 18 and 19 for "LEA governors" substitute "Authority governors".

(10) In regulation 21(5) for "LEA governor" substitute "authority governor".

(11) In the heading to regulation 27 for "LEA" substitute "authority".

(12) In regulation 27(1) for "LEA governor" substitute "authority governor".

(13) In regulation 32 for "local education authorities" substitute "local authorities".

(14) In regulations 34 to 37, 42, 45, 47, 51, 55 and 61 for "local education authority" in each place where those words occur substitute "local authority" .

(15) In Schedules 1, 2 and 3 for "local education authority" in each place where those words occur substitute "local authority".

(16) In the Table in Schedule 6 for "LEA governor" in the second column substitute "Authority governor".

Commencement Information

I20 Sch. 1 para. 17 in force at 5.5.2010 in accordance with art. 1(1)

Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010

18.—(1) The Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010(**21**) are amended as follows.

(2) In regulation 2(1) in the definition of "local authority" for "local education authority" in each place where those words occur substitute "local authority" and for "local education authorities" substitute "local authorities".

(3) In regulations 11(3)(b) and 17(2)(e) for "functions as a local education authority" substitute "education functions".

Commencement Information

I21 Sch. 1 para. 18 in force at 5.5.2010 in accordance with art. 1(1)

School Funding (Wales) Regulations 2010

19.—(1) The School Funding (Wales) Regulations 2010(**22**) are amended as follows.

(2) In regulation 2 for "The LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003 substitute "The Non-schools Education Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003" and for "the Education (LEA Financial Schemes) (Wales) Regulations 2004" substitute "The Education (Local Authority Financial Schemes) (Wales) Regulations 2004".

(3) In regulation 3(1) for "local education authority" substitute "local authority".

(4) In the heading to Part 2 for "LEA Budget" substitute "Non-schools Education Budget".

(5) For the heading to regulation 4 substitute—

"**The Non-schools Education Budget".**

(**21**) S.I. 2010/638 (W.64).
(**22**) S.I. 2010/824 (W.87).

(6) In regulation 4(1) and in the second sub-paragraph (a) in regulation 6(2) for "LEA budget" substitute "non-schools education budget".

(7) In the heading to Schedule 1 for "LEA Budget" substitute "Non-schools Education Budget".

(8) In paragraph 20 of Schedule 1 for "in their capacity as a local education authority" substitute "in connection with their education functions".

(9) In paragraph 9 of Schedule 4 for "LEA budget" substitute "non-schools education budget".

Commencement Information

I22 Sch. 1 para. 19 in force at 5.5.2010 in accordance with art. 1(1)

SCHEDULE 2

Article 3

Amendment of non-education Subordinate Legislation

Local Government (Committees and Political Groups) Regulations 1990

1. In regulation 4(2) of the Local Government (Committees and Political Groups) Regulations 1990(**23**) for the words "which is a local education authority as defined in section 114 of the Education Act 1944, any functions with respect to education" substitute "any education functions (within the meaning of section 579(1) of the Education Act 1996)".

Commencement Information

I23 Sch. 2 para. 1 in force at 5.5.2010 in accordance with art. 1(1)

National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000

2.—(1) Regulation 6 of the National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000(**24**) 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".

Commencement Information

I24 Sch. 2 para. 2 in force at 5.5.2010 in accordance with art. 1(1)

(**23**) S.I. 1990/1553 as amended by S.I. 1991/1398, 1993/1339, 1998/1918, 1999/500.
(**24**) S.I. 2000/2993 (W.193) as amended by S.I. 2004/1390 (W.140), 2005/761 (W.65), 2008/2828.

Homeless Persons (Priority Needs) (Wales) Order 2001

3.—(1) The Homeless Persons (Priority Needs) (Wales) Order 2001(**25**) is amended as follows.

(2) In article 3(2)(d)(i) for "local education authority" substitute "local authority".

Commencement Information

I25 Sch. 2 para. 3 in force at 5.5.2010 in accordance with art. 1(1)

Children (Leaving Care) (Wales) Regulations 2001

4.—(1) The Children (Leaving Care) (Wales) Regulations 2001(**26**) are amended as follows.

(2) In regulation 7(5)(d) for "the local education authority for the area in which the child 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 the child".

Commencement Information

I26 Sch. 2 para. 4 in force at 5.5.2010 in accordance with art. 1(1)

Code of Conduct (Non-Qualifying Local Government Employees) (Wales) Regulations 2001

5.—(1) The Code of Conduct (Non-Qualifying Local Government Employees) (Wales) Regulations 2001(**27**) are amended as follows.

(2) In regulation 2 in the definition of "teacher" for "Local Education Authority" substitute "local authority".

Commencement Information

I27 Sch. 2 para. 5 in force at 5.5.2010 in accordance with art. 1(1)

Parent Governor Representatives and Church Representatives (Wales) Regulations 2001

6.—(1) The Parent Governor Representatives and Church Representatives (Wales) Regulations 2001(**28**) are amended as follows.

(2) In regulation 2—

(a) insert in the appropriate alphabetical order–

> ""education functions" has the meaning given by section 579(1) of the Education Act 1996;";

(b) in the definition of "education overview and scrutiny committee" for "local education authority" in each place where those words occur substitute "local authority";

(c) omit the definition of "local education authority".

(**25**) S.I. 2001/607 (W.30) as amended by S.I. 2004/696.
(**26**) S.I. 2001/2189 (W.151) as amended by S.I. 2002/1855 (W.179), 2002/2935 (W.277), 2004/1732 (W.175).
(**27**) S.I. 2001/2278 (W.168) as amended by S.I. 2005/2929 (W.214).
(**28**) S.I. 2001/3711 (W.307) as amended by S.I. 2005/2913 (W.210).

(3) In regulations 4 to 13 for "local education authority" in each place where those words occur substitute "local authority".

Commencement Information
I28 Sch. 2 para. 6 in force at 5.5.2010 in accordance with art. 1(1)

Children's Homes (Wales) Regulations 2002

7. In regulation 2(1) of the Children's Homes (Wales) Regulations 2002(**29**), in paragraph (b) of the definition of "placing authority" for sub-paragraph (ii) substitute—

"(ii) if the child is accommodated in a qualifying school under arrangements made by a local authority (whether in the exercise of education functions within the meaning of section 579(1) of the Education Act 1996 or otherwise), that local authority,".

Commencement Information
I29 Sch. 2 para. 7 in force at 5.5.2010 in accordance with art. 1(1)

Special Educational Needs and Disability Tribunal (General Provisions and Claims Procedure) Regulations 2002

8.—(1) The Special Educational Needs and Disability Tribunal (General Provisions and Claims Procedure) Regulations 2002(**30**) are amended as follows.

(2) In regulation 7(1)(a)(v) for "local education authority" in each place where those words occur substitute "local authority".

(3) In regulation 27(2) for "local education authority" substitute "local authority".

Commencement Information
I30 Sch. 2 para. 8 in force at 5.5.2010 in accordance with art. 1(1)

Bus Service Operators Grant (Wales) Regulations 2002

9. In regulation 3(1)(a)(i) of the Bus Service Operators Grant (Wales) Regulations 2002(**31**) for "local education authority" substitute "local authority".

Commencement Information
I31 Sch. 2 para. 9 in force at 5.5.2010 in accordance with art. 1(1)

(**29**) S.I. 2002/327 (W.40) as amended by S.I. 2002/2622 (W.254), 2004/2414, 2005/774 (W.64), 2005/1541, 2005/2929, 2006/3251 (W.295), 2007/311 (W.28), 2009/2541 (W.205).
(**30**) S.I. 2002/1985 as amended by S.I. 2008/2683.
(**31**) S.I. 2002/2022 (W.206) as amended by S.I. 2003/943 (W.124), 2004/1827 (W.203), 2008/1879, 2010/193 (W.28).

Travel Concessions (Eligible Services) Order 2002

10. In article 3(1)(a)(i) of the Travel Concessions (Eligible Services) Order 2002(**32**) for "local education authority" substitute "local authority".

Commencement Information
I32 Sch. 2 para. 10 in force at 5.5.2010 in accordance with art. 1(1)

Race Relations (Statutory Duties) Order 2003

11.—(1) The Race Relations Act 1976 (Statutory Duties) Order 2003(**33**) is amended as follows.

(2) In article 3(2)(b) for "Local Education Authorities" substitute "local authorities".

(3) At the end of article 3(4) insert "and the reference to "local authorities" is a reference to local authorities within the meaning of section 579(1) of the Education Act 1996".

Commencement Information
I33 Sch. 2 para. 11 in force at 5.5.2010 in accordance with art. 1(1)

School Organisation Proposals by the National Assembly for Wales Regulations 2004

12. In the School Organisation Proposals by the National Assembly for Wales Regulations 2004(**34**) for "local education authority" in each place those words occur substitute "local authority".

Commencement Information
I34 Sch. 2 para. 12 in force at 5.5.2010 in accordance with art. 1(1)

Adoption Agencies (Wales) Regulations 2005

13.—(1) Regulation 36(4) of the Adoption Agencies (Wales) Regulations 2005(**35**) is amended as follows.

(2) At the end of sub-paragraph (b) add "and 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".

(3) Omit sub-paragraph (c).

Commencement Information
I35 Sch. 2 para. 13 in force at 5.5.2010 in accordance with art. 1(1)

(**32**) S.I. 2002/2023 (W.207) as amended by S.I. 2010/194 (W.29).
(**33**) S.I. 2003/3006 as amended by S.I. 2006/2471, 2008/526.
(**34**) S.I. 2004/1576 (W.162) as amended by S.I. 2005/3238 (W.243), 2006/173 (W.24).
(**35**) S.I. 2005/1313 (W.95) as amended by S.I. 2006/362 (W.48), 2009/1892., 2009/2541 (W.205).

Adoption Support Services (Local Authorities) (Wales) Regulations 2005

14.—(1) The Adoption Support Services (Local Authorities) (Wales) Regulations 2005(**36**) are amended as follows.

(2) In regulation 2 omit the definition of "local education authority".

(3) In regulation 5(1) omit sub-paragraph (f).

(4) For regulation 8(4) substitute—

"(4) Where paragraph (1) applies and it appears to the local authority that—

(a) there may be a need for the provision of services for the person whose needs are being assessed by a local health board, NHS Trust or Primary Care Trust; or

(b) there may be a need for the provision to that person of any services which fall within another local authority's education functions (within the meaning of section 579(1) of the Education Act 1996),

the local authority must, as part of the assessment, consult that local health board, NHS Trust, Primary Care Trust or local authority.".

(5) In regulation 10—

(a) in paragraph (3) for "the functions of a local education authority" substitute "another local authority's education functions (within the meaning of section 579(1) of the Education Act 1996)" and for "or local education authority" substitute "or local authority"; and

(b) in paragraph (5)(c) for "local education authority" substitute "local authority".

(6) In regulation 13(2) for "a local education authority" substitute "another local authority" and for "the local education authority" substitute "the other local authority".

Commencement Information

I36 Sch. 2 para. 14 in force at 5.5.2010 in accordance with art. 1(1)

Special Guardianship (Wales) Regulations 2005

15.—(1) The Special Guardianship (Wales) Regulations 2005(**37**) are amended as follows.

(2) In regulation 1(3) omit the definition of "local education authority".

(3) In regulation 3(3) omit sub-paragraph (c).

(4) In regulation 6(1)(c) for the words "local education authority" substitute "another local authority".

(5) In regulation 11(3) for the words "local education authority" substitute "another local authority".

Commencement Information

I37 Sch. 2 para. 15 in force at 5.5.2010 in accordance with art. 1(1)

(**36**) S.I. 2005/1512 (W.116) as amended by S.I. 2008/1879.
(**37**) S.I. 2005/1513 (W.117) as amended by S.I. 2008/1879.

Functions of Local Health Boards (Dental Public Health) (Wales) Regulations 2006

16. In regulation 2(2)(b) of the Functions of Local Health Boards (Dental Public Health) (Wales) Regulations 2006(**38**) for "local education authorities" substitute "local authorities".

Commencement Information
I38 Sch. 2 para. 16 in force at 5.5.2010 in accordance with art. 1(1)

Single Education Plan (Wales) Regulations 2006

17.—(1) Regulation 2(1) of the Single Education Plan (Wales) Regulations 2006(**39**) is amended as follows.

(2) For the definition of "authority" substitute—

""authority" means a local authority in Wales;".

(3) For the definition of "school maintained by a local education authority" substitute"—

""school maintained by an authority" (including any reference to a school maintained by a specific authority) has the meaning given to "school maintained by a local authority" by section 142(1) of the 1998 Act;".

Commencement Information
I39 Sch. 2 para. 17 in force at 5.5.2010 in accordance with art. 1(1)

Local Authorities (Standing Orders) (Wales) Regulations 2006

18.—(1) The Local Authorities (Standing Orders) (Wales) Regulations 2006(**40**) are amended as follows.

(2) In Schedule 3, in paragraph 3(g) of Part 1 in paragraph 3(f) of Part 2, in paragraph 3(d) of Part 3 and in paragraph 3(f) of Part 4, for "local education authority" substitute "local authority".

Commencement Information
I40 Sch. 2 para. 18 in force at 5.5.2010 in accordance with art. 1(1)

Education (Parenting Orders) (Wales) Regulations 2006

19.—(1) The Education (Parenting Orders) (Wales) Regulations 2006(**41**) are amended as follows.

(2) In regulations 4(1)(a) and 5 for "local education authority" substitute "local authority".

(**38**) S.I. 2006/487 (W.56).
(**39**) S.I. 2006/877 (W.82).
(**40**) S.I. 2006/1275 (W.121).
(**41**) S.I. 2006/1277 (W.122).

Commencement Information
I41 Sch. 2 para. 19 in force at 5.5.2010 in accordance with art. 1(1)

Local Safeguarding Children Boards (Wales) Regulations 2006

20.—(1) The Local Safeguarding Children Boards (Wales) Regulations 2006(**42**) are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of "Board" for "children's services authority" substitute "local authority" and for "children's services authorities" substitute "local authorities";

(b) omit the definition of "children's services authority";

(c) insert in the appropriate alphabetical order—

""local authority", in relation to a Board, means the authority or authorities by whom the Board is established;".

(3) In regulations 3(1)(g) and 5(1) and (2) for "children's services authority" substitute "local authority".

(4) In the heading to regulation 7 for "Children's Services Authorities" substitute "Local Authorities".

(5) In regulation 7(1) and (2) for "children's services authority" substitute "local authority".

Commencement Information
I42 Sch. 2 para. 20 in force at 5.5.2010 in accordance with art. 1(1)

National Assembly for Wales (Representation of the People) Order 2007

21.—(1) The National Assembly for Wales (Representation of the People) Order 2007(**43**) is amended as follows.

(2) In paragraph 31(2) of Schedule 5 for "local education authority" substitute "local authority (within the meaning of section 579(1) of the Education Act 1996)".

(3) In paragraphs 1(1), 2(1) and 4 of Schedule 8 for "local education authority" substitute "local authority (within the meaning of section 579(1) of the Education Act 1996)".

Commencement Information
I43 Sch. 2 para. 21 in force at 5.5.2010 in accordance with art. 1(1)

Placement of Children (Wales) Regulations 2007

22.—(1) The Placement of Children (Wales) Regulations 2007(**44**) are amended as follows.

(**42**) S.I. 2006/1705 (W.167) as amended by S.I. 2008/912.
(**43**) S.I. 2007/236 as amended by S.I. 2009/1182, 2009/1357.
(**44**) S.I. 2007/310 (W.27).

(2) For regulation 6(1)(c) substitute—

"(c) the local authority, if it is different from the area authority,—

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

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

(iii) if the child is a pupil at a school which is not maintained by a local authority, which is the local authority for the area where the school is situated;".

Commencement Information

I44 Sch. 2 para. 22 in force at 5.5.2010 in accordance with art. 1(1)

Children and Young People's Plan (Wales) Regulations 2007

23.—(1) The Children and Young People's Plan (Wales) Regulations 2007(**45**) are amended as follows.

(2) In regulation 2—

(a) in the definition of "authority" for "children's services authority" substitute "local authority"; and

(b) for the definition of "school maintained by a local education authority" substitute—

""school maintained by an authority" (including any reference to a school maintained by a specific authority) has the meaning given to "school maintained by a local authority" by section 142(1) of the 1998 Act.".

Commencement Information

I45 Sch. 2 para. 23 in force at 5.5.2010 in accordance with art. 1(1)

Local Authorities (Conduct of Referendums) (Wales) Regulations 2008

24. In paragraph 11 of Schedule 3 to the Local Authorities (Conduct of Referendums) (Wales) Regulations(**46**) for "local education authority" substitute "local authority (within the meaning of section 579(1) of the Education Act 1996)".

Commencement Information

I46 Sch. 2 para. 24 in force at 5.5.2010 in accordance with art. 1(1)

School Milk (Wales) Regulations 2008

25. In regulation 2(1) of the School Milk (Wales) Regulations 2008(**47**) in the definition of "claimant" for "local education authority" substitute "local authority".

(**45**) S.I. 2007/2316 (W.187).
(**46**) S.I. 2008/1848 (W.177).
(**47**) S.I. 2008/2141 (W.190) as amended by S.I. 2009/108 (W.21).

Commencement Information
I47 Sch. 2 para. 25 in force at 5.5.2010 in accordance with art. 1(1)

Crime and Disorder Strategies (Prescribed Descriptions) (Wales) Order 2009

26. In article 2(2)(c) of the Crime and Disorder Strategies (Prescribed Descriptions) (Wales) Order 2009(**48**) for "local education authority" substitute "local authority".

Commencement Information
I48 Sch. 2 para. 26 in force at 5.5.2010 in accordance with art. 1(1)

Learning and Skills (Wales) Measure 2009 (Commencement No 1 and Transitional Provision) Order 2009

27. In article 3 of the Learning and Skills (Wales) Measure 2009 (Commencement No 1 and Transitional Provision) Order 2009(**49**) for "local education authority" substitute "local authority".

Commencement Information
I49 Sch. 2 para. 27 in force at 5.5.2010 in accordance with art. 1(1)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order replaces references in regulations and orders to local education authorities and children's services authorities with references to local authorities.

The integration within local authorities of children's services departments and education departments is reflected by this change to the use of the term local authority (rather than having the two terms, local education authority and children's services authority to cover the same body).

(**48**) S.I. 2009/3050 (W. 267).
(**49**) S.I. 2009/3174 (W. 276).

Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Local Education Authorities and Children's Services Authorities (Integration of Functions) (Subordinate Legislation) (Wales) Order 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

– Sch. 2 para. 17 revoked by S.I. 2022/758 reg. 12