

## 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(1) 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)”.

#### *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(2) 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”.

#### *Homeless Persons (Priority Needs) (Wales) Order 2001*

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

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

#### *Children (Leaving Care) (Wales) Regulations 2001*

4.—(1) The Children (Leaving Care) (Wales) Regulations 2001(4) 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”.

#### *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(5) are amended as follows.

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

(1) S.I.1990/1553 as amended by S.I. 1991/1398, 1993/1339, 1998/1918, 1999/500.

(2) S.I. 2000/2993 (W.193) as amended by S.I. 2004/1390 (W.140), 2005/761 (W.65), 2008/2828.

(3) S.I. 2001/607 (W.30) as amended by S.I. 2004/696.

(4) S.I. 2001/2189 (W.151) as amended by S.I. 2002/1855 (W.179), 2002/2935 (W.277), 2004/1732 (W.175).

(5) S.I. 2001/2278 (W.168) as amended by S.I. 2005/2929 (W.214).

*Parent Governor Representatives and Church Representatives (Wales) Regulations 2001*

**6.**—(1) The Parent Governor Representatives and Church Representatives (Wales) Regulations 2001(**6**) 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”.

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

*Children’s Homes (Wales) Regulations 2002*

**7.** In regulation 2(1) of the Children’s Homes (Wales) Regulations 2002(**7**), 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,”.

*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(**8**) 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”.

*Bus Service Operators Grant (Wales) Regulations 2002*

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

*Travel Concessions (Eligible Services) Order 2002*

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

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(6) S.I. 2001/3711 (W.307) as amended by S.I. 2005/2913 (W.210).

(7) 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).

(8) S.I. 2002/1985 as amended by S.I. 2008/2683.

(9) 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).

(10) S.I. 2002/2023 (W.207) as amended by S.I. 2010/194 (W.29).

*Race Relations (Statutory Duties) Order 2003*

- 11.**—(1) The Race Relations Act 1976 (Statutory Duties) Order 2003(**11**) 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”.

*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(**12**) for “local education authority” in each place those words occur substitute “local authority”.

*Adoption Agencies (Wales) Regulations 2005*

- 13.**—(1) Regulation 36(4) of the Adoption Agencies (Wales) Regulations 2005(**13**) 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).

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

- 14.**—(1) The Adoption Support Services (Local Authorities) (Wales) Regulations 2005(**14**) 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”.

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**(11)** S.I. 2003/3006 as amended by S.I. 2006/2471, 2008/526.

**(12)** S.I. 2004/1576 (W.162) as amended by S.I. 2005/3238 (W.243), 2006/173 (W.24).

**(13)** S.I. 2005/1313 (W.95) as amended by S.I. 2006/362 (W.48), 2009/1892., 2009/2541 (W.205).

**(14)** S.I. 2005/1512 (W.116) as amended by S.I. 2008/1879.

*Special Guardianship (Wales) Regulations 2005*

- 15.**—(1) The Special Guardianship (Wales) Regulations 2005(**15**) 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”.

*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(**16**) for “local education authorities” substitute “local authorities”.

*Single Education Plan (Wales) Regulations 2006*

- 17.**—(1) Regulation 2(1) of the Single Education Plan (Wales) Regulations 2006(**17**) 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;”.

*Local Authorities (Standing Orders) (Wales) Regulations 2006*

- 18.**—(1) The Local Authorities (Standing Orders) (Wales) Regulations 2006(**18**) 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”.

*Education (Parenting Orders) (Wales) Regulations 2006*

- 19.**—(1) The Education (Parenting Orders) (Wales) Regulations 2006(**19**) are amended as follows.
- (2) In regulations 4(1)(a) and 5 for “local education authority” substitute “local authority”.

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(15) S.I. [2005/1513 \(W.117\)](#) as amended by S.I. [2008/1879](#).  
(16) S.I. [2006/487 \(W.56\)](#).  
(17) S.I. [2006/877 \(W.82\)](#).  
(18) S.I. [2006/1275 \(W.121\)](#).  
(19) S.I. [2006/1277 \(W.122\)](#).

*Local Safeguarding Children Boards (Wales) Regulations 2006*

**20.**—(1) The Local Safeguarding Children Boards (Wales) Regulations 2006(**20**) 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”.

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

**21.**—(1) The National Assembly for Wales (Representation of the People) Order 2007(**21**) 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)”.

*Placement of Children (Wales) Regulations 2007*

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

(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;”.

*Children and Young People’s Plan (Wales) Regulations 2007*

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

(2) In regulation 2—

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(20) S.I. 2006/1705 (W.167) as amended by S.I. 2008/912.  
(21) S.I. 2007/236 as amended by S.I. 2009/1182, 2009/1357.  
(22) S.I. 2007/310 (W.27).  
(23) S.I. 2007/2316 (W.187).

- (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.”.

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

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

*School Milk (Wales) Regulations 2008*

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

*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(**26**) for “local education authority” substitute “local authority”.

*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(**27**) for “local education authority” substitute “local authority”.

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(24) S.I. 2008/1848 (W.177).

(25) S.I. 2008/2141 (W.190) as amended by S.I. 2009/108 (W.21).

(26) S.I. 2009/3050 (W. 267).

(27) S.I. 2009/3174 (W. 276).