

## SCHEDULES

### SCHEDULE 2

Section 59

#### LEA FUNCTIONS: MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Education Act 1996 (c. 56)*

- 1 The Education Act 1996 is amended as follows.
- 2 (1) Section 13 (general responsibility for education) is amended as follows.
  - (2) In subsection (1) after “secondary education” insert “and, in the case of a local education authority in England, further education.”.
  - (3) After subsection (2) insert—
    - “(3) The reference in subsection (1) to further education is to further education for persons—
      - (a) who are over compulsory school age but under 19, or
      - (b) who are aged 19 or over but under 25 and are subject to learning difficulty assessment.”
    - (4) For the purposes of this Act a person is subject to learning difficulty assessment if—
      - (a) a learning difficulty assessment has been conducted in respect of the person, or
      - (b) arrangements for a learning difficulty assessment to be conducted in respect of the person have been made or are required to be made.
    - (5) In subsection (4), a “learning difficulty assessment” means an assessment under section 139A or 140 of the Learning and Skills Act 2000 (assessments relating to learning difficulties).
    - (6) For the purposes of subsection (1), persons who are subject to a detention order are to be regarded as part of the population of the area in which they are detained (and not any other area).”

- 3 For section 13A substitute—

##### **“13A Duty to promote high standards and fulfilment of potential**

- (1) A local education authority in England must ensure that their relevant education functions and their relevant training functions are (so far as they are capable of being so exercised) exercised by the authority with a view to—
  - (a) promoting high standards,
  - (b) ensuring fair access to opportunity for education and training, and
  - (c) promoting the fulfilment of learning potential by every person to whom this subsection applies.

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*Status: This is the original version (as it was originally enacted).*

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- (2) Subsection (1) applies to the following—
- (a) persons under the age of 20;
  - (b) persons aged 20 or over but under 25 who are subject to learning difficulty assessment.
- (3) A local education authority in Wales must ensure that their relevant education functions and their relevant training functions are (so far as they are capable of being so exercised) exercised by the authority with a view to—
- (a) promoting high standards, and
  - (b) promoting the fulfilment of learning potential by every person to whom this subsection applies.
- (4) Subsection (3) applies to persons under the age of 20.
- (5) In this section—
- “education” and “training” have the same meanings as in section 15ZA;
- “relevant education function”, in relation to a local education authority in England, means a function relating to the provision of education for—
- (a) persons of compulsory school age (whether at school or otherwise);
  - (b) persons (whether at school or otherwise) who are over compulsory school age and to whom subsection (1) applies;
  - (c) persons who are under compulsory school age and are registered as pupils at schools maintained by the authority;
- “relevant education function”, in relation to a local education authority in Wales, means a function relating to the provision of education for—
- (a) persons of compulsory school age (whether at school or otherwise);
  - (b) persons (whether at school or otherwise) who are over compulsory school age but under the age of 20;
  - (c) persons who are under compulsory school age and are registered as pupils at schools maintained by the authority;
- “relevant training function” means a function relating to the provision of training.”
- 4 (1) Section 15A (functions in respect of full-time education for 16 to 18 year olds) is amended as follows.
- (2) In subsection (1) after “local education authority” insert “in Wales”.
- (3) After subsection (1) insert—
- “(1ZA) A local education authority in England may secure the provision for their area of full-time or part-time education suitable to the requirements of persons from other areas who are over compulsory school age but have not attained the age of 19.”
- (4) In subsection (1A) for “subsection (1)” substitute “subsections (1) and (1ZA)”.

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- (5) In subsection (3) for “section 13(5) and (6) of the Learning and Skills Act 2000” substitute “section 15ZA(6) and (7)”.
- (6) In the title for “Functions in respect of full-time education” substitute “Powers in respect of education and training”.
- 5 In section 15B (functions in respect of education for persons over 19) in subsection (3) for “section 13(5) and (6) of the Learning and Skills Act 2000” substitute “section 15ZA(6) and (7)”.
- 6 (1) Section 312 (meaning of “special educational needs”, “learning difficulty” etc) is amended as follows.
- (2) In subsection (2) for the words from “subsection (3)” to “section 507B)” substitute “subsections (3) and (3A)”.
- (3) After subsection (3) insert—
- “(3A) Subsection (2) does not apply—
- (a) for the purposes of sections 15ZA, 15A, 15B and 507B, or
- (b) for the purposes of sections 18A and 562H (except for the purpose of determining, for the purposes of those sections, whether a child has special educational needs).”
- 7 In section 496 (power of Secretary of State to prevent unreasonable exercise of functions) after subsection (4) (as inserted by section 221(1) of this Act) insert—
- “(5) This section is subject to sections 508I and 509AE (complaints about transport arrangements etc).”
- 8 In section 497 (general default powers of Secretary of State) after subsection (5) (as inserted by section 221(2) of this Act) insert—
- “(6) This section is subject to sections 508I and 509AE (complaints about transport arrangements etc).”
- 9 In section 497A (power of Secretary of State to secure proper performance of LEA’s functions) at the end insert—
- “(8) This section is subject to sections 508I and 509AE (complaints about transport arrangements etc).”
- 10 (1) In the title of section 509AA, for “Provision” substitute “LEAs in England: provision”.
- (2) For the title of section 509AB substitute “LEAs in England: further provision about transport policy statements for persons of sixth form age”.
- (3) In the title of section 509A, for “Travel” substitute “LEAs in England: travel”.
- 11 After section 569 insert—

**“569A Regulations made by Welsh Ministers under Chapter 5A**

- (1) Any power of the Welsh Ministers to make regulations under Chapter 5A shall be exercised by statutory instrument.

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(2) A statutory instrument containing any such regulations made by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(3) Any such regulations may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Welsh Ministers think fit.”

12 In section 579(1) (general interpretation)—

(a) in the definition of “prescribed”, after ““prescribed”” insert “(except in Chapter 5A)”;

(b) in the definition of “regulations”, after ““regulations”” insert “(except in Chapter 5A)”.

13 In section 580 (index) insert the following entries at the appropriate places—

“relevant young adult (in sections 508F, 508G and 508I)	section 508F(9)”;
“relevant youth accommodation	section 562(1A)”;
“subject to a detention order	section 562(1A)”;
“subject to learning difficulty assessment	section 13(4)”

*Education Act 2002 (c. 32)*

14 In section 207(2) of the [Education Act 2002](#) (recoupment: adjustment between local education authorities), for “primary education and secondary education)” substitute “—

- (a) primary education;
- (b) secondary education;
- (c) education provided under section 562C of the Education Act 1996 (detention of persons with special educational needs: appropriate special educational provision).”