
STATUTORY INSTRUMENTS

1996 No. 710

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Government Changes for England (Education)
(Miscellaneous Provisions) Regulations 1996**

<i>Made</i>	- - - -	<i>8th March 1996</i>
<i>Laid before Parliament</i>		<i>11th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

In exercise of the powers conferred on the Secretary of State by sections 19 and 26(4) of the Local Government Act 1992(1), the Secretary of State for Education and Employment hereby makes the following Regulations:

PART 1
GENERAL

Citation and Commencement

1. These Regulations may be cited as the Local Government Changes for England (Education) (Miscellaneous Provisions) Regulations 1996 and shall come into force on 1st April 1996.

Interpretation

2. In these Regulations—

“abolished authority” means a principal council which is or is to be wound up and dissolved by a section 17 order;

“the reorganisation date” in relation to an authority means the date (being 1st April in any year) which is specified as such in relation to that authority in a section 17 order;

“section 17 order” means an order made under section 17 of the Local Government Act 1992; any reference to a transferor authority is a reference to a local authority which, by or in consequence of a structural or boundary change (or both such changes) effected by a section 17 order, ceases to exercise the functions of a local education authority in relation to an area (“the transferred area”) on the reorganisation date; and

any reference to the transferee authority is a reference to the local authority by which such functions are exercisable in relation to that area on and after that date.

PART 2

RELIGIOUS EDUCATION

Interpretation of Part 2

3. In this Part—

“the 1988 Act” means the Education Reform Act 1988⁽²⁾;

“an existing council” means the standing advisory council on religious education constituted by a transferor authority under section 11 of the 1988 Act; and

“the new council” means the standing advisory council on religious education constituted by the transferee authority under that section.

Standing advisory councils on religious education

4.—(1) This regulation applies where immediately before the reorganisation date an existing council have not given the notification required by section 12(3) of the 1988 Act in respect of any application made under section 12(1) of that Act⁽³⁾ (determination by advisory councils of cases in which requirement for Christian collective worship is not to apply) in respect of a school (or pupils at a school) in the transferred area.

(2) Where this regulation applies it shall be the duty of the existing council as soon as practicable—

(a) to inform the new council of that application; and

(b) to furnish that council with all documents (or copies of documents) and information in their possession relating to that application.

(3) Where the new council are informed of an application pursuant to paragraph (2) above section 12 of that Act shall apply as if the application had been made to them under that section.

5. Where nothing remains to be done by an existing council constituted by an abolished authority to comply with their duties under section 11(9) to (13)⁽⁴⁾ of the 1988 Act (duties to publish and distribute annual reports and to distribute copies of the council’s advice) or regulation 4 above, the council shall be dissolved.

6. On the reorganisation date subsection (5) of section 12 of the 1988 Act (reviews of determinations) shall cease to require an existing council to review a determination made by them under that section in respect of a school (or pupils at a school) in the transferred area; and on and after that date that subsection shall apply in relation to any such determination as it applies to a determination so made by the new council.

Agreed syllabuses of religious education

7. Until an agreed syllabus of religious education prepared in accordance with the provisions of the Fifth Schedule to the Education Act 1944 is adopted by the transferee authority (or deemed in accordance with that Schedule to be the agreed syllabus for use in schools in the area of that

(2) 1988 c. 40.

(3) Section 12(1) was amended by section 148(a) of the Education Act 1993 (c. 35).

(4) Subsections (11) and (12) of section 11 were added by section 147(2) of the Education Act 1993. Subsection (13) was added by paragraph 116 of Schedule 19, and amended by paragraph 4(2) of Schedule 15, to that Act.

authority) the reference in section 28(1B)(a)(5) of that Act (religious education in aided schools to be in accordance with agreed syllabus) to “the local education authority”, and the reference in section 140(3)(a) of the Education Act 1993 (religious education in former aided grant-maintained schools to be in accordance with agreed syllabus) to “the local education authority for the area in which the school is situated”, shall be taken to include a reference to the transferor authority.

8. On and after the reorganisation date section 11(7) and (8) of the 1988 Act (reviews of agreed syllabuses) shall apply in relation to any agreed syllabus adopted by the transferor authority and used after that date in any school in the transferred area as it applies to an agreed syllabus adopted by the transferee authority.

PART 3

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Interpretation of Part 3

9. In this Part—

“the 1993 Act” means the Education Act 1993(6); and

“the 1994 Regulations” means the Education (Special Educational Needs) Regulations 1994(7).

Time Limits

10. Where immediately before the reorganisation date anything is required to be done by a transferor authority within a period specified in paragraph (1), (2), (3), or (5) of regulation 11 (time limits regarding proposed assessments of educational needs), paragraph (3) or (5) of regulation 14 (time limits regarding making of statements or amendments of statements of special educational needs) or paragraph (3) of regulation 18 (time limit for notice following transfer of statement) of the 1994 Regulations, that paragraph shall have effect on and after the reorganisation date in relation to the transferee authority as if that period began on the reorganisation date.

11. Where under section 167 of the 1993 Act a transferor authority have made an assessment of the educational needs of a child and immediately before the reorganisation date have not done any of the things mentioned in paragraph (1) or, as the case may be, paragraph (2) of regulation 14 of the 1994 Regulations (time limits following assessments), that paragraph shall have effect on and after the reorganisation date in relation to the transferee authority as if for the reference in that paragraph to two weeks there was substituted a reference to four weeks.

12. Where—

- (a) under paragraph 10(1) of Schedule 10 to the 1993 Act a transferor authority serve a notice on a child’s parent informing him of the authority’s proposal to amend the statement maintained under section 168 of that Act for the child;
- (b) the reorganisation date falls before the expiry of eight weeks from the date on which the notice was served; and
- (c) the authority have not amended that statement before the reorganisation date,

(5) Section 28(1B) was substituted by paragraph 3(1) of Schedule 1 to the Education Reform Act 1988.

(6) 1993 c. 35.

(7) S.I.1994/1047, amended by S.I. 1994/1251 and 1995/1673.

regulation 14(6) of the 1994 Regulations (time limit for making proposed amendments to statements) shall have effect on and after that date in relation to the transferee authority as if the period mentioned in that regulation began on the reorganisation date.

13. Where—

- (a) under paragraph 11(2) of Schedule 10 to the 1993 Act a transferor authority give notice to the child’s parent that they have determined to cease to maintain the statement maintained under section 168 of that Act for the child;
- (b) the reorganisation date falls before the expiry of four weeks immediately following the period during which the parent may appeal to the Special Educational Needs Tribunal against the determination; and
- (c) the authority have not ceased to maintain the statement before the reorganisation date,

regulation 14(7) of the 1994 Regulations (period during which proposal to cease to maintain statement may not be implemented) shall have effect on and after that date in relation to the transferee authority as if the period mentioned in sub-paragraph (b) of that regulation began on the reorganisation date.

14. Where the period referred to in section 172(5)(b) of the 1993 Act (“the review period”) ends during the period of two months beginning on the reorganisation date (“the transitional period”) and the transferor authority have not completed the review required by that section before the reorganisation date, that section shall have effect on and after that date in relation to the transferee authority as if the review period ended when the transitional period ends.

Notification of transfer of functions

15.—(1) In the case of any child to whom this paragraph applies the transferee authority shall before the expiry of one month beginning on the reorganisation date notify in writing the child’s parent of—

- (a) the transfer to the authority of the functions under Part III of the 1993 Act of the transferor authority; and
- (b) the name of the officer of the authority from whom further information concerning the authority’s functions under that Part with respect to the child may be obtained.

(2) Paragraph (1) applies in the case of any child—

- (a) for whom immediately before the reorganisation date the transferor authority maintain a statement under section 168 or 175 of the 1993 Act;
- (b) on whose parent the transferor authority have served a notice under section 167(1) or 174(2) of the 1993 Act (notice of proposal to make assessment of educational needs) but have not given the notice referred to, in the case of a notice under section 167(1), in section 167(4) or (6) or, in the case of a notice under section 174(2), in section 174(5) or (6);
- (c) in respect of whom the transferor authority have given the notice referred to in section 167(4) or 174(5) of the 1993 Act (notice of decision to make assessment of educational needs) but have not, before the reorganisation date, completed making an assessment pursuant to the notice;
- (d) in respect of whom the transferor authority’s duty under section 167(3), 173(1) or 175(1) of the 1993 Act (duty to make assessment of educational needs) is transferred under a section 17 order to the transferee authority;
- (e) on whose parent the transferor authority have served under paragraph 2 of Schedule 10 to the 1993 Act a copy of a proposed statement under section 168 of that Act but in

respect of whom the transferor authority, immediately before the reorganisation date, did not maintain such a statement.

Appeals to Special Educational Needs Tribunal

16. Where a function the exercise of which by a transferor authority is the subject of an appeal to the Special Educational Needs Tribunal is transferred by a section 17 order, the Special Educational Needs Tribunal Regulations 1994(**8**) and the Special Educational Needs Tribunal Regulations 1995(**9**) shall have effect as if in regulation 2, in the definition of “the authority”, the reference to the local education authority which made the disputed decision were a reference to the authority to which the function is transferred.

PART 4

GRANTS

Interpretation of Part 4

17. In this Part—

“designated authority” in relation to an abolished authority means the authority which is the designated authority for the purposes of Part III of the Local Government Changes for England (Property Transfer and Transitional Payments) Regulations 1995(**10**); and

“grant regulations” means regulations made under section 1 of the Education (Grants and Awards) Act 1984(**11**) or section 210 of the Education Reform Act 1988(**12**).

Abolished authorities

18. Where a grant has been made to an abolished authority pursuant to grant regulations—

- (a) any payment of grant which pursuant to the regulations falls to be made to an abolished authority on or after the reorganisation date shall be made to the designated authority;
- (b) any payment which pursuant to the regulations falls to be made by an abolished authority to the Secretary of State on or after the reorganisation date shall be made by the designated authority; and
- (c) any condition or requirement imposed by or under the regulations to submit any document to the Secretary of State in respect of the activity covered by the grant which falls to be complied with by an abolished authority on or after the reorganisation date shall be complied with by the designated authority.

(8) S.I. [1994/1910](#). These Regulations are revoked by the Special Educational Needs Tribunal Regulations 1995 (see note (b)) but continue to apply where a notice of appeal was entered in the records under regulation 17(2) before 1st January 1996.

(9) S.I. [1995/3113](#).

(10) S.I. [1995/402](#), amended by S.I. [1995/2796](#) and [1996/312](#).

(11) [1984 c. 11](#), section 1 was amended by section 278 of the Education Act 1993. The regulations in force at the date of these Regulations are, in relation to local education authorities in England, the Education (Grants for Education Support and Training) (England) Regulations 1995, S.I. [1995/605](#).

(12) The regulations in force at the date of these Regulations are the Education (Grants) (Travellers and Displaced Persons) Regulations 1993, S.I. [1993/569](#), amended by S.I. [1995/543](#).

PART 5

MISCELLANEOUS

Meaning of “minor authority” in Education Act 1944

19. In section 114(1) of the Education Act 1944(**13**) (interpretation), in the definition of “minor authority”(14), for “metropolitan county” there shall be inserted in each case “a county for which there is no council or a county in which there are no district councils”.

Application of Education (Areas to which Pupils and Students Belong) Regulations 1996

20. For the purposes of regulation 8 of the Education (Areas to which Pupils and Students Belong) Regulations 1996(**15**), where, immediately before moving as mentioned in regulation 8(1), a further education student was ordinarily resident in the transferred area in relation to a transferor authority, he shall, on and after the reorganisation date, be treated as ordinarily resident in the area of the transferee authority.

8th March 1996

Gillian Shephard
Secretary of State for Education and
Employment

(13) 1944 c. 31.

(14) This definition was substituted by section 192(4) of the Local Government Act 1972 (c. 70).

(15) S.I. 1996/615.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make incidental and transitional provision of general application in the field of education in consequence of orders made under section 17 of the Local Government Act 1992 (which make boundary and structural changes to local government areas in England).

Part 2 makes transitional provision regarding the determination of applications under section 12 of the Education Reform Act 1988 (determinations by standing advisory councils on religious education of cases in which the requirement for Christian collective worship is not to apply) and the review of such determinations. It provides for the dissolution of standing advisory councils appointed by abolished authorities.

Part 3 makes transitional provision extending the periods which apply under the Education (Special Educational Needs) Regulations 1994 to decisions by local education authorities whether or not to assess a child's educational needs and whether or not to make, amend, or cease to maintain a statement of a child's special educational needs and the period within which such statements are to be reviewed where any such process was commenced by a transferor authority but not completed by the date for local government reorganisation. This Part also imposes a requirement on transferee authorities to notify the parents of certain children of the transfer of functions relating to them to the transferee authority, and of the name of an officer of the transferee authority who can provide further information. The children in relation to whom this requirement applies are children for whom the transferor authority maintained a statement of special educational needs or had served a proposed such statement on their parents or had given notice of a proposal or decision to assess their educational needs or where the transferor authority had a duty to make such an assessment.

Part 4 makes transitional provision where grants are paid to a transferor authority for education support and training under section 1 of the Education (Grants and Awards) Act 1984 or for the education of Travellers and displaced persons under section 210 of the Education Reform Act 1988.

Part 5 modifies the definition of "minor authority" in section 114(1) of the Education Act 1944 in consequence of local government reorganisation and makes a transitional modification to the Education (Areas to which Pupils and Students Belong) Regulations 1996.