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STATUTORY INSTRUMENTS

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**2010 No. 1158**

**EDUCATION, ENGLAND AND WALES**

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

*Made - - - - 31st March 2010*

*Coming into force in accordance with article 1*

The Secretary of State for Children, Schools and Families makes this order in exercise of the powers conferred by sections 162 and 181(2) of the Education and Inspections Act 2006<sup>(1)</sup>.

In accordance with 162(4) of that Act<sup>(2)</sup> this Order is made with the consent of the Welsh Ministers.

A draft of this Order has been laid before Parliament in accordance with section 182(3)(b) of that Act and approved by a resolution of each House of Parliament.

**Citation and Commencement**

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

**Repeal of section 12 of the Education Act 1996**

2. Section 12 of EA 1996<sup>(3)</sup> (local education authorities and their areas) is repealed.

**Definitions for the purposes of the Education Act 1996**

3.—(1) Section 579 of EA 1996 (interpretation) is amended in accordance with paragraphs (2) and (3).

(2) In subsection (1)—

(a) at the appropriate place insert—

““education functions” means the functions specified in Schedule 36A;”;

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

““local authority” means—

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(1) 2006 c.40.

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

(3) 1996 c. 56.

- (a) a local authority in England;
  - (b) a local authority in Wales;
- “local authority in England” means—
- (a) a county council in England;
  - (b) a metropolitan district council;
  - (c) a non-metropolitan district council for an area for which there is no county council;
  - (d) a London borough council; and
  - (e) the Common Council of the City of London (in their capacity as a local authority);
- “local authority in Wales” means—
- (a) a county council in Wales; and
  - (b) a county borough council;”.

(3) After subsection (4) insert the following—

“(4A) For the purposes of this Act the area of the Common Council of the City of London shall be treated as including the Inner Temple and the Middle Temple.”

(4) After Schedule 36 to EA 1996 insert the Schedule set out in Schedule 1 to this Order.

#### **Amendment of section 65 of the Children Act 2004**

4.—(1) Section 65(1) of the Children Act 2004(4) is amended as follows.

(2) Omit the definitions of “children’s services authority in England” and “children’s services authority in Wales”.

(3) At the appropriate place insert—

““local authority” means—

- (a) a local authority in England;
- (b) a local authority in Wales;

“local authority in England” means—

- (a) a county council in England;
- (b) a metropolitan district council;
- (c) a non-metropolitan district council for an area for which there is no county council;
- (d) a London Borough council;
- (e) the Common Council of the City of London (in their capacity as a local authority);
- (f) the Council of the Isles of Scilly;

“local authority in Wales” means—

- (a) a county council in Wales;
- (b) a county borough council;”.

#### **Consequential and connected amendments, repeals and transitional provisions**

5.—(1) Schedule 2 (which contains consequential and connected amendments) has effect.

(2) The enactments specified in the first column of Schedule 3 are repealed to the extent specified in the second column.

(3) Schedule 4 (which contains transitional provisions) has effect.

31st March 2010

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

## SCHEDULE 1

Article 3

Education functions—Schedule to be inserted in Education Act 1996 as Schedule 36A

1. Functions conferred on a local authority under the Education Acts (as defined in section 578).
2. Functions conferred on a local authority under the enactments specified in the first column of the table below (being the functions which are described in general terms in the second column of that table).

**Table**

<i>Enactment</i>	<i>Nature of functions</i>
Children and Young Persons Act 1933 (c. 12)	
Section 18	Making of byelaws relating to the employment of children.
Superannuation Act 1972 (c. 11)	
Section 9(5A)(5)	Payment of injury benefit to or in respect of teachers.
Employment and Training Act 1973 (c. 50)	
Sections 10 and 10A(6)	Powers and duties relating to careers services
Section 12	Duty to provide information to the Secretary of State.
Sex Discrimination Act 1975 (c. 65)	
Section 25	General duty to secure that facilities for education are provided without sex discrimination.
Public Passenger Vehicles Act 1981 (c. 14)	
Section 46	Power to use a school bus to carry fare-paying passengers.
Representation of the People Act 1983(c.2)	
Paragraph 2 of Schedule 5	Duty to prepare and revise lists of rooms in school premises which candidates may use.
Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)	
Section 5(1) to (4), (6) and (8)	Duty to require the appropriate officer to give an opinion as to whether a child with a statement is disabled.
Children Act 1989 (c. 41)	
Section 36 and Part 3 of Schedule 3 (except Education supervision orders. paragraph 19(2))	
Disability Discrimination Act 1995 (c.50)	

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(5) Section 9(5A) was inserted by the Pensions (Miscellaneous Provisions) Act 1990 (c. 7) section 11.

(6) Section 10A was inserted by Trade Union Reform and Employment Rights Act 1993 (c.19) section 46.

<i>Enactment</i>	<i>Nature of functions</i>
Sections 28C, 28G and 28T as modified by Schedule 4C(7).	Duty to secure that disabled pupils are not placed at a substantial disadvantage.
Section 28D(8)	Duty to prepare an accessibility strategy.
Section 28E	Duty (as responsible body) to prepare an accessibility plan.
Section 28IC(9)	Duty to provide advice and information about disability discrimination in schools (in Wales).
Section 28ID	Duty to make arrangements in relation to the resolution of disputes (in Wales).
Section 28IE	Duty relating to the provision of independent advocacy services .
<a href="#">Learning and Skills Act 2000(c. 21)</a>	
Section 33J(10)	Duty to assist Welsh Ministers in planning the local curriculum.
Section 33K	Duty relating to delivery of local curriculum and joint working (in Wales).
Section 33L	Duty to have regard to guidance and comply with directions relating to section 33K.
Section 83	Duty (of local authority in Wales) to provide information to Chief Inspector.
Section 84	Duties relating to preparation of an action plan following an area inspection in Wales.
Sections 96, 101 and 102	Duties as an “authorised body” relating to qualifications.
Sections 123 to 125 and 128	Support services for 11 to 25 years olds: Wales.
Section 139A(11)	Duty to arrange assessments relating to learning difficulties.
Section 140(5)	Duty to send copy of a statement of special educational needs to the Welsh Ministers if requested.
Schedules 7 and 7A(12)	Duty to implement approved proposals relating to sixth forms.
<a href="#">Local Government Act 2000(c. 22)</a>	

(7) Schedule 4C was substituted by [S.I. 2006/1721](#).

(8) Sections 28D and 28E were inserted by sections 14 and 15 respectively of the Special Educational Needs and Disability Act 2001 (c.10).

(9) Sections 28IC, 28ID and 28IE are inserted by sections 11, 12 and 13 of the [Education \(Wales\) Measure 2009 \(nawm 5\)](#)

(10) Sections 33J, 33K and 33L are inserted by sections 31,32 and 33 of the [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#).

(11) Section 139A was inserted by section 80 of the [Education and Skills Act 2008 \(c.25\)](#).

(12) Schedule 7A was inserted by Schedule 9 to the [Education Act 2002 \(c.32\)](#) and is amended by paragraph 53 of Schedule 6 to the [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#) to apply in relation to Wales only.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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<i>Enactment</i>	<i>Nature of functions</i>
Paragraphs 7, 8 and 9 of Schedule 1	Duty to include certain persons on overview and scrutiny committee if it relates to education functions.
Nationality, Immigration and Asylum Act 2002 (c. 41)	
Section 37	Powers and duties relating to education of a child in an accommodation centre.
Anti-social Behaviour Act 2003(c. 38)	
Sections 19, 20, 21 and 22A	Powers and duties relating to parenting orders and parenting contracts.
National Health Service Act 2006 (c. 41 )	
Paragraph 5 of Schedule 1	Duty to make available to the Secretary of State appropriate accommodation for enabling the Secretary of State to arrange for medical inspections in schools.
National Health Service (Wales) Act 2006 (c. 42)	
Paragraph 5 of Schedule 1	Duty to make available to the Welsh Ministers appropriate accommodation for enabling them to arrange for medical inspections in schools.

## SCHEDULE 2

Article 5(1)

## Consequential and Connected Amendments

## PART 1

## Education Acts

**Education (Fees and Awards) Act 1983 (c. 40)**

1. In section 1 of the Education (Fees and Awards) Act 1983 for “local education authority” in each place where those words occur substitute “local authority”.

**Further Education Act 1985 (c. 47)**

2.—(1) The Further Education Act 1985 is amended as follows.

(2) For “local education authority” and “local education authorities” in each place where those words occur except in section 3(8)(a) and (b) substitute “local authority” and “local authorities” respectively.

(3) In section 3(8)(a) and (b) for “functions as a local education authority” substitute “education functions”.

### **Education (No 2) Act 1986 (c. 61)**

3. In the Education (No 2) Act 1986 for “local education authority” in each place where those words occur substitute “local authority”.

### **Education Reform Act 1988 (c. 40)**

4.—(1) The Education Reform Act 1988 is amended as follows.

(2) For “local education authority” and “local education authorities” in each place where those words occur, except in sections 163, 221, and 231(4), substitute “local authority” and “local authorities” respectively.

(3) In section 163 omit subsection (1).

(4) For subsection (1) of section 221 substitute—

“(1) This section applies to any contract made after 20th November 1987—

- (a) for purposes connected with a local authority’s education functions, between the authority and a person employed by the authority; or
- (b) between a governing body of a foundation, voluntary aided or foundation special school and a person employed by the governing body,

other than a contract made in contemplation of the employee’s pending dismissal by reason of redundancy.”

(5) In section 231 omit subsection (4).

(6) In section 235(1) omit the definition of “local authority”.

(7) In paragraph 4 of Schedule 7 after sub-paragraph (7) insert—

“(8) In this paragraph “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

(8) In paragraph 3 of Schedule 7A after sub-paragraph (6) insert—

“(7) In this paragraph “local authority” includes a non-metropolitan district council for an area for which there is a county council”.

(9) In paragraph 1 of Schedule 10—

(a) in sub-paragraph (5) omit the words after paragraph (d);

(b) after that sub-paragraph insert—

“(6) For the purposes of sub-paragraph (5)—

- (a) references to a maintained school or a foundation body have the same meanings as in the School Standards and Framework Act 1998;
- (b) “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

### **Further and Higher Education Act 1992 (c. 13)**

5.—(1) The Further and Higher Education Act 1992 is 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 section 23 after subsection (9) insert—

“(10) In this section, except in subsection (1), “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

(4) In section 24 after subsection (5) insert—

“(6) In subsections (3) and (5) “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

(5) In section 36 after subsection (8) insert—

“(9) In subsection (4) “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

(6) In section 38 after subsection (4) insert—

“(5) In this section “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

(7) In section 84 after subsection (3) insert—

“(4) In this section “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

(8) In section 90(1) for the definition of “local authority” substitute—

““local authority” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act).”

(9) In paragraph 1 of Schedule 5 at the end of sub-paragraph (4) insert “; and for the purposes of this sub-paragraph “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

### **Education Act 1994 (c. 30)**

**6.** In section 11A of the Education Act 1994(**13**) for “local education authorities” substitute “local authorities”.

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

7.—(1) EA 1996 is amended as follows.

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

(3) For “local education authorities” and “LEAs” in each place where those words occur substitute “local authorities”.

(4) Sub-paragraphs (2) and (3) are subject to—

(a) sub-paragraph (5);

(b) any amendment made to EA 1996 by any other provision of this Order.

(5) Sub-paragraph (2) does not apply in relation to—

(a) section 17(1)(b);

(b) the first 3 references to “local education authority” in paragraph 4(2)(e) of Schedule 39.

(6) In section 322—

(a) for the title substitute “Duty of certain bodies to help local authority”;

(b) in subsection (1) for the words “any Local Health Board, Primary Care Trust or local authority” substitute “another local authority, a Local Health Board or a Primary Care Trust”;

(c) in subsection (2)(a) for “by the local education authority of those functions” substitute “of those functions by the local authority that made the request”;

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(13) Section 11A was inserted by the Education Act 1996, Schedule 37, paragraph 126.



- (d) in subsection (3) for the words “the case” in each place where they occur substitute “a case where the request is made”;
  - (e) omit subsection (5).
- (7) In section 408—
- (a) in subsection (6) omit the words after paragraph (e);
  - (b) after that subsection insert—
    - “(6A) Regulations under this section shall not require information as is mentioned in subsection (6) to be made available—
    - (a) to a governing body except where relevant for the purposes of the performance of any of their functions;
    - (b) to a head teacher except where relevant for the purposes of the performance of any of the head teacher’s functions;
    - (c) to a local authority except where relevant for the purposes of the performance of any of their education functions.”
- (8) In section 447—
- (a) in subsection (2) omit the words “, having consulted the appropriate local authority,”;
  - (b) after that subsection insert—
    - “(2A) A local authority may not make a decision as mentioned in subsection (2) unless—
    - (a) they are the appropriate local authority, or
    - (b) they have consulted that authority.”;
  - (c) in subsection (3) for the words “such a direction” substitute “a direction under subsection (2)”.
- (9) In section 497A(14)—
- (a) in the title, for the words “LEA’s functions” substitute “local authority’s education functions”;
  - (b) for subsection (1) substitute—
    - “(1) This section applies to a local authority’s education functions.”
- (10) In section 499—
- (a) in subsection (1) for the words from “functions” to the end substitute “of their education functions”;
  - (b) in subsection (3) for the words from “functions” to the end substitute “of their education functions”;
  - (c) in subsection (5)(b) for the words from “functions as” to “education” substitute “education functions”.
- (11) In section 509AB(7)(15)—
- (a) in paragraph (a) for the words “the local education authority for a district” substitute “a district council for an area”;
  - (b) in paragraph (b) for the words “the local education authority for a London borough or” substitute “a London borough council or the Common Council of”.

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(14) Section 497A was inserted by section 8 of the School Standards and Framework Act 1998 (c. 31) and amended by section 60 of the Education Act 2002 (c. 32).

(15) Section 509AB was inserted by Schedule 19 to the Education Act 2002.

(12) In section 564(3) at the end insert “for the purpose of the exercise of their education functions”.

(13) In section 566(1)(a) for the words “local education authority” substitute “local authority in connection with the exercise of their education functions”.

(14) In section 580—

- (a) omit the entries relating to—
  - (i) area (of a local education authority);
  - (ii) local education authority; and
  - (iii) the local education authority;
- (b) insert each of the following entries at the appropriate place—

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“education functions	section 579(1);
local authority in England	section 579(1);
local authority in Wales	section 579(1)”

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(15) In paragraph 9 of Schedule 35A(16)—

- (a) the existing provision becomes sub-paragraph (1);
- (b) after that sub-paragraph add—
  - “(2) In this paragraph and paragraph 10(1), “local authority” includes a district council for an area for which there is a county council.”

(16) In paragraph 44(2)(b) of Schedule 39 for the words from “functions with respect to education conferred” to the end, substitute “of the local authority’s education functions”.

### **Education Act 1997 (c 44)**

**8.**—(1) The Education Act 1997 is amended as follows.

(2) For “local education authority” and “LEA” in each place where those words occur (except in paragraph (a) of section 38(2A)) substitute “local authority”.

(3) For “local education authorities” and “LEAs” in each place where those words occur substitute “local authorities”.

(4) In section 38(2A)(17) for paragraph (a) substitute—

- “(a) any education function of theirs;”.

### **Teaching and Higher Education Act 1998 (c. 30)**

**9.**—(1) The Teaching and Higher Education Act 1998 is 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 (a) of section 23(1) omit “for the purposes of the Education Act 1996”.

(4) In section 43(1) at the appropriate place insert—

- ““local authority” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act);”.

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(16) Schedule 35A was inserted by Part I of Schedule 7 to the Education Act 2002.

(17) Section 38 (2A) was inserted by section 51 of the Children Act 2004.

## School Standards and Framework Act 1998 (c. 31)

10.—(1) SSFA 1998 is amended as follows.

(2) For “local education authority” and “LEA” in each place where those words occur (except in section 30(2)(d)) substitute “local authority”.

(3) For “local education authorities” and “LEAs” in each place where those words occur substitute “local authorities”.

(4) Sub-paragraphs (2) and (3) are subject to any other amendment made by this paragraph.

(5) In section 23A(10)(18) after the definition of “institution” insert—

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

(6) In section 45A(19)—

(a) in subsection (1)—

(i) for “LEA budget” substitute “non-schools education budget”;

(ii) after “all” insert “education”;

(b) in subsection (2) after “all” insert “education”;

(c) in subsection (3) after “planned” insert “education”;

(d) in subsection (4B)(20) for “imposed on the authority in their capacity as a local education authority” substitute “an education function of the authority”;

(e) at the end add—

“(7) In this section “education expenditure” means expenditure incurred by a local authority in connection with the performance of their education functions.”

(7) In section 47A(10)(b)(21) omit “in their capacity as a children’s services authority within the meaning of that Act”.

(8) In section 49(4) for “LEA budget” substitute “non-schools education budget”.

(9) In section 52(22)—

(a) before “expenditure” in each place where that word occurs insert “education”;

(b) at the end add—

“(7) In this section “education expenditure” has the same meaning as in section 45A.”

(10) In section 77(7) for the definition of “local authority” substitute—

““local authority” includes—

(a) a non-metropolitan district council for an area for which there is a county council, and

(b) a parish council;”.

(11) In section 95(2A)(23) for “a local authority in England” substitute “such an authority”.

(12) In section 95A(24)—

(18) Section 23A was inserted by section 33 of the Education and Inspections Act 2006 (c.40).

(19) Section 45A was inserted by section 41(1) of the Education Act 2002

(20) Section 45A(4B) was inserted by section 202 of the Apprenticeships, Skills, Children and Learning Act 2009

(21) Section 47A was inserted by section 43 of the Education Act 2002; subsection (10) is inserted by section 194(8)(b) of the Apprenticeships, Skills, Children and Learning Act 2009.

(22) Section 52 was amended by section 253 of the Apprenticeships, Skills, Children and Learning Act 2009 to apply in relation to Wales only.

(23) Section 95(2A) was inserted by section 48(1) of the Education and Inspections Act 2006.

(24) Section 95A was inserted by section 48(1) of the Education and Inspections Act 2006.

- (a) for paragraph (a) of subsection (1) substitute—
    - “(a) the admission authority for a community or voluntary controlled school in England is a local authority.”;
  - (b) in subsection (2) for “local education authority” substitute “admission authority”.
- (13) In section 143—
- (a) omit the entry relating to LEA budget;
  - (b) at the appropriate place in the table insert—
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- |   |                 |
|---|-----------------|
| “non-schools education budget (in Part 2) | Section 45A(1)” |
|---|-----------------|
- (14) In Schedule 22—
- (a) in paragraph A5(25)—
    - (i) in sub-paragraph (3) for the words from “the local education authority” to the end substitute “notice of their intention to do so to the authority mentioned in sub-paragraph (1)(a)”;
    - (ii) at the end add—
      - “(4) In this paragraph “local authority” includes a non-metropolitan district council for an area for which there is a county council.”;
  - (b) in paragraph A11—
    - (i) in sub-paragraph (3) for the words from “the local education authority” to the end substitute “notice of their intention to do so to the authority mentioned in sub-paragraph (1)(a)”;
    - (ii) at the end add—
      - “(4) In this paragraph “local authority” includes a non-metropolitan district council for an area for which there is a county council.”;
  - (c) in paragraph A17—
    - (i) in sub-paragraph (3) for the words from “the local education authority” to the end substitute “notice of their intention to do so to the authority mentioned in sub-paragraph (1)(a)”;
    - (ii) at the end add—
      - “(4) In this paragraph “local authority” includes a non-metropolitan district council for an area for which there is a county council.”;
  - (d) in paragraph (c) of paragraph A20(5) after the words “local authority” insert “(within the meaning of paragraph A5, A11 or A17 as the case may be)”;
  - (e) in paragraph A23(8)—
    - (i) in paragraph (b) before the word “functions” insert “education”;
    - (ii) in paragraph (c) for the words “local authority” (in the first place where they occur) to the end substitute “authority in the exercise of any of their relevant functions”;
  - (f) in paragraph 5 at the end add—
    - “(7) In this paragraph “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

## Education Act 2002 (c. 32)

11.—(1) EA 2002 is amended as follows.

(2) For “local education authority” and “LEA” in each place where those words occur (except in section 141(4)(b), and in section 175(1) in the second place where those words occur) substitute “local authority”.

(3) For “local education authorities” and “LEAs” in each place where those word occur substitute “local authorities”.

(4) In section 11(9)—

(a) for “any such functions” substitute “the education functions”;

(b) for “as are or may become” substitute “that are or may become”.

(5) In section 14(3), in the definition of “non-teaching staff”, after “authority” insert “for purposes connected with the authority’s education functions”.

(6) In section 15 after subsection (3) add—

“(4) In subsection (3) “local authority” includes a non-metropolitan district council for an area for which there is a country council.”

(7) In section 21(10)(26) omit “in their capacity as a children’s services authority (within the meaning of that Act)”.

(8) In section 30—

(a) in subsection (3) after “authority’s” insert “education”;

(b) in subsection (4) for the words from “the governing body” (in the second place where they occur) to the end substitute—

“may be required (either on a regular basis or from time to time)—

(a) by the governing body for the purposes of the exercise of any of their functions;

(b) by the authority for the purposes of the exercise of any of their education functions.”

(9) In section 141(4) for paragraph (b) substitute—

“(b) the other party to the contract is—

(i) a local authority which entered into the contract for purposes connected with any of their education functions,

(ii) the governing body of a school, or

(iii) a further education institution.”

(10) In section 142(9), in the definition of “relevant employer”—

(a) in paragraph (a) at the end insert “exercising an education function”;

(b) in paragraph (b) for the words from “the function” to “authority are” substitute “their education functions are”.

(11) In section 175(1) for “the functions conferred on them in their capacity as a local education authority” substitute “their education functions”.

(12) In section 212(1) after the definition of “contract of employment” insert—

““local authority” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act);”.

(26) Subsections (5) to (9) were inserted by section 38(1) of the Education and Inspections Act 2002 and subsection (10) is inserted by section 194(9) of the Apprenticeships, Skills, Children and Learning Act 2009.

### **Higher Education Act 2004 (c. 8)**

12. Section 41 of the Higher Education Act 2004 is amended as follows—

- (a) in subsection (2)(a) for “local education authority” substitute “local authority”;
- (b) after subsection (3) insert—

“(4) In subsection (2)(a), “local authority” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act).”

### **Education Act 2005 (c. 18)**

13.—(1) EA 2005 is amended as follows.

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

(3) For “local education authorities” and “LEAs” in each place where those words occur substitute “local authorities”.

(4) In section 51(1)(a) after “to exercise any” insert “education”.

(5) In section 113—

- (a) in subsection (2)(b), for sub-paragraph (i) substitute—
  - “(i) a local authority, or”;
- (b) omit subsection (5).

(6) In section 114—

- (a) for subsection (1)(b) substitute—
  - “(b) a local authority”;
- (b) omit subsection (8)(b)(i).

(7) In section 122(3) after paragraph (e) insert—

“(ea) section 113 (information about the school workforce: introductory);”.

### **Education and Inspections Act 2006 (c.40)**

14.—(1) The Education and Inspections Act 2006 is amended as follows.

(2) In Parts 1 to 7 for “local education authority” and “local education authorities” in each place where those words occur (except in section 80) substitute “local authority” and “local authorities” respectively.

(3) For “LEA” and “LEAs” in each place where those words occur substitute “local authority” and “local authorities” respectively.

(4) In section 24 after subsection (8) insert—

“(9) In subsection (4) “local authority” includes a non-metropolitan district council for an area for which there is a county council.”

(5) In section 80(2) omit “in relation to local education authorities with effect”.

(6) In section 123(1)(d) for “local education authorities” substitute “local authorities”.

(7) In sections 124(5)(c), 126(4)(c), 128(3)(b) and (7), 129(2)(c) and 130(3) for “local education authority” substitute “local authority in England”.

(8) In section 135(1) for paragraph (b) substitute—

“(b) the education functions of the authority (as defined in section 579(1) of EA 1996),

### **Education and Skills Act 2008 (c.25 )**

**15.**—(1) The Education and Skills Act 2008 is 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 section 16(2) after paragraph (a) insert—

“(aa) a non-metropolitan district council for an area for which there is a county council.”.

(4) In section 77—

(a) after paragraph (a) of subsection (2) insert—

“(aa) a non-metropolitan district council for an area for which there is a county council.”;

(b) in subsection (3) omit the definition of “local authority”.

(5) In section 78(1)—

(a) before the definition of “parent” insert—

““local authority” has the meaning given by section 579(1) of the Education Act 1996;

(b) in the definition of “parent” for “Education Act 1996” substitute “that Act”.

(6) In section 85—

(a) in subsection (1) for “a children’s services authority in England (a “children’s authority”)” substitute “a local authority in England”;

(b) in subsection (2)(a) for “children’s authority” substitute “local authority”;

(c) in subsection (3)—

(i) for “children’s authority” substitute “local authority”;

(ii) for “children’s authorities” substitute “local authorities in England”;

(d) in subsection (5) for “children’s services authority in England” in both places where those words occur substitute “local authority”.

### **Apprenticeships, Skills, Children and Learning Act 2009 (c.22)**

**16.**—(1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.

(2) For “local education authority” and “LEA” in each place where those words occur (except in sections 122(5)(c) and 252(2) and (4)) substitute “local authority”.

(3) For “local education authorities” and “LEAs” in each place where those words occur substitute “local authorities”.

(4) In section 50, in subsection (1) of the section 562J inserted into EA 1996, in paragraph (a) of the definition of “the home authority” omit “the local authority”.

(5) In section 51, in subsection (6) of the section 39A inserted into the Crime and Disorder Act 1998 at the appropriate place insert—

““local authority” has the meaning given by section 579(1) of the Education Act 1996;

(6) In section 122—

(a) in subsection (4)(b) for “in its capacity as such” substitute “in connection with its education functions”;

(b) for subsection (5)(c) substitute—

“(c) any education function of a local authority in England.”.

- (7) In section 194—
- (a) in subsection (2), in the section 12A inserted into the Children Act 2004 for “children’s services authority” and “children’s services authorities” in each place where those words occur substitute “local authority” and “local authorities” respectively;
  - (b) in subsection (4) for “children’s services authority” substitute “local authority”;
  - (c) in subsection (8)(b), in paragraph (b) of the subsection (10) inserted into section 47A of SSFA 1998 omit “in their capacity as a children’s services authority within the meaning of that Act”;
  - (d) in subsection (9)(b), in the subsection (10) inserted into section 21 of EA 2002 omit “in their capacity as a children’s services authority (within the meaning of that Act)”.
- (8) In section 196(2), in the subsection (5A) inserted into section 13 of the Children Act 2004, for “children’s services authority” substitute “local authority”.
- (9) In section 197, in subsection (3)(a) of the section 14A inserted into the Children Act 2004, for “children’s services authority” substitute “local authority”.
- (10) In section 215(4) for “section 12” substitute “section 579(1)”.
- (11) In section 216(2)(e) for “section 12” substitute “section 579(1)”.
- (12) In section 246, in subsection (5)(b) of the section 93A inserted into the Education and Inspections Act 2006, omit “(within the meaning of the Children Act 1989)”.
- (13) In section 247, in subsection (5)(b) of the section 85D inserted into the Further and Higher Education Act 1992, omit “(within the meaning of the Children Act 1989)”.
- (14) In section 252—
- (a) omit subsection (2);
  - (b) in subsection (3)(c) omit “, in its capacity as a children’s services authority in England,”;
  - (c) in subsection (4) for “in its capacity as a local education authority” substitute “in the exercise of its education functions”;
  - (d) in subsection (5)—
    - (i) before paragraph (a) insert—
      - “(za) specifying additional functions which are to be treated as education functions”;
    - (ii) in paragraph (a) omit “education functions or”;
  - (e) in subsection (6) omit the definition of “children’s services authority in England”.

## PART 2

### Acts other than the Education Acts

#### **Children and Young Persons Act 1933 (c. 12)**

17.—(1) The Children and Young Persons Act 1933 is amended as follows.

- (2) In section 96—
- (a) for subsection (1) substitute—
    - “(1) In Part 2 of this Act “local authority” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act).”;
  - (b) omit subsections (3), (4) and (4A).



(3) Omit sections 97 and 98.

#### **Public Health Act 1936 (c. 49)**

**18.** In section 85(7) of the Public Health Act 1936 for “as a local education authority” substitute “under Chapter 2 of Part 9 of the Education Act 1996”.

#### **Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)**

**19.**—(1) Part 1 of the Second Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is amended as follows.

(2) In paragraph 9—

- (a) in the first column for “local education authority” substitute “local authority”;
- (b) in the second column for “The local education authority” substitute “The local authority by whom the school or institution is maintained”.

(3) In paragraph 10, in the second column, for “The local education authority” substitute “The local authority by whom the school is maintained”.

(4) In paragraph 11—

- (a) in the first column for “local education authority” substitute “local authority”;
- (b) in the second column for “The local education authority” substitute “The local authority by whom the institution is assisted”.

#### **London Government Act 1963 (c. 33)**

**20.** Omit section 30 of the London Government Act 1963.

#### **Children and Young Persons Act 1963 (c. 37)**

**21.** Omit section 56 of the Children and Young Persons Act 1963.

#### **Veterinary Surgeons Act 1966 (c. 36)**

**22.** In paragraph 5 of Schedule 3 to the Veterinary Surgeons Act 1966(27) for “local education authority” substitute “local authority”.

#### **Children and Young Persons Act 1969 (c. 54)**

**23.**—(1) The Children and Young Persons Act 1969 is amended as follows.

(2) In section 9(1) omit “or a local education authority”.

(3) In section 70(1), in the definition of “local authority”, omit “except in relation to proceedings under section 1 of this Act instituted by a local education authority”.

#### **Chronically Sick and Disabled Persons Act 1970 (c. 44)**

**24.** In section 8(2)(b) of the Chronically Sick and Disabled Persons Act 1970(28) for “local education authorities” substitute “local authorities”.

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(27) Paragraph 5 of Schedule 3 was amended by paragraph 66 of Schedule 12 to the Education Reform Act 1988.

(28) Section 8 (2) (b) was amended by paragraph 69 of Schedule 12 to the Education Reform Act 1988.

### **Local Authority Social Services Act 1970 (c. 42)**

**25.**—(1) Schedule 1 to the Local Authority Social Services Act 1970 is amended as follows.

(2) In the entry relating to the Children and Young Persons Act 1969, in the first column, omit the words from “except” to the end.

(3) In the entry relating to the Disabled Persons (Services, Consultation and Representation) Act 1986(29) for the words in the first column substitute—

“Sections 1 to 4, 5(5), 7 and 8”.

(4) In the entry relating to the Children Act 1989(30)—

(a) in the first column after “The whole Act” insert “except section 36 and paragraphs 12 to 19(1) of Schedule 3 (education supervision orders)”;

(b) in the second column for “and local education authorities” substitute “and local authorities in the exercise of education functions”.

(5) In the entry relating to the Education Act 1996(31) for “local education authority” substitute “another local authority”.

### **Local Government Act 1972 (c.70)**

**26.**—(1) The Local Government Act 1972 is amended as follows.

(2) In section 104(2)—

(a) in the opening words, for “local education authority” substitute “local authority”;

(b) in paragraph (a) for “any functions with respect to education conferred on them in their capacity as local education authorities” substitute “any education functions as defined in section 579(1) of the Education Act 1996”.

(3) In section 134—

(a) in subsections (1) and (2) for “local education authority” substitute “local authority”;

(b) after subsection (5) insert—

“(6) In subsections (1) and (2) “local authority” has the meaning given by section 579(1) of the Education Act 1996.”

### **Superannuation Act 1972 (c. 11)**

**27.**—(1) Section 9 of the Superannuation Act 1972 is amended as follows.

(2) In subsection (5) for “local education authorities” substitute “local authorities, or, in Scotland, education authorities”.

(3) In subsection (5A)(32) for “local education authority” substitute “local authority”.

(4) In subsection (6) after the definition of “injury benefit” insert—

““local authority” has the meaning given by section 579(1) of the Education Act 1996;

(5) Omit subsection (7).

### **Employment and Training Act 1973 (c. 50)**

**28.**—(1) The Employment and Training Act 1973 is amended as follows.

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(29) The entry for this Act was inserted by paragraph 7 of Schedule 5 to the [Local Government Act 2000 \(c. 22\)](#).

(30) The entry relating to the Children Act 1989 was inserted by paragraph 26(2) of Schedule 13 to that Act

(31) The entry relating to the Education Act 1996 was inserted by paragraph 18 of Schedule 37 to that Act.

(32) Section 9(5A) was inserted by the Pensions (Miscellaneous Provisions) Act [1990 \(c. 7\)](#) section 11.

- (2) In section 10—
  - (a) in subsections (1) to (8) for “local education authorities” in each place where those words occur substitute “local authorities”;
  - (b) in subsection (10) for “local education authority” substitute “local authority”.
- (3) In section 10A(1)(33) for “local education authority” substitute “local authority”.
- (4) In section 12(1A) and (2)(34) for “local education authority” substitute “local authority or (in Scotland) education authority”.
- (5) In section 13(1)—
  - (a) before the definition of “employee” insert—

““education authority” has the meaning given by section 135(1) of the Education (Scotland) Act 1980(35);”;
  - (b) for the definition of “local education authority” substitute—

““local authority” has the meaning given by section 579(1) of the Education Act 1996;

#### **Sex Discrimination Act 1975 (c. 65)**

- 29.**—(1) The Sex Discrimination Act 1975 is amended as follows.
- (2) In sections 15, 22, 23 and 24 for “local education authority” in each place where those words occur substitute “local authority”.
  - (3) In section 25(2) and (6) for “local education authority”, and “local education authorities” in each place where those words occur substitute “local authority” and “local authorities”.
  - (4) In section 82(1) after the definition of “independent school” insert—

““local authority” has the meaning given by section 579(1) of the Education Act 1996;

#### **Race Relations Act 1976 (c. 74)**

- 30.**—(1) The Race Relations Act 1976 is amended as follows.
- (2) In sections 14, 17 and 18 for “local education authority” in each place where those words occur substitute “local authority”.
  - (3) In section 57(5A) for “local education authorities” substitute “local authorities”.
  - (4) In paragraph 46 of Schedule 1A(36) for “local education authorities” substitute “local authorities”.
  - (5) In section 78(1) after the definition of “independent school” insert—

““local authority” has the meaning given by section 579(1) of the Education Act 1996;

#### **Education (Scotland) Act 1980 (c. 44)**

- 31.**—(1) The Education (Scotland) Act 1980 is amended as follows.
- (2) In section 23(1) for “local education authority” substitute “local authority (as defined in section 579(1) of the Education Act 1996)”.

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(33) Section 10A was inserted by Trade Union Reform and Employment Rights Act 1993 (c.19) section 46.

(34) Section 12(1A) was inserted by the Employment Act 1988 (c. 19) Schedule 2, paragraph 2(2).

(35) 1980 c. 44; section 135(1) was amended by paragraph 118(9) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39).

(36) Schedule 1A was inserted by Schedule 1 to the Race Relations (Amendment) Act 2000 (c.34).

(3) In section 50(4) for “local education authority” substitute “local authority (as defined in section 579(1) of the Education Act 1996)”.

(4) In section 51(2B) for “local education authority” substituted “local authority (as defined in section 579(1) of the Education Act 1996)”.

#### **Public Passenger Vehicles Act 1981 (c. 14)**

**32.**—(1) Section 46 of the Public Passenger Vehicles Act 1981 is amended as follows.

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

(3) In subsection (3) after the definition of “free school transport” insert—

““local authority” has the meaning given by section 579(1) of the Education Act 1996;

#### **Representation of the People Act 1983 (c. 2)**

**33.**—(1) The Representation of the People Act 1983 is amended as follows.

(2) In paragraph 22(1) of Schedule 1 for “local education authority” substitute “local authority”.

(3) In Schedule 5—

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

(b) after paragraph 5 insert—

“**5A.** In paragraphs 1 and 2 “local authority” has the meaning given by section 579(1) of the Education Act 1996.”;

(c) in paragraph 6(a) for “any reference” substitute the “reference in paragraph 1(1)”.

#### **Transport Act 1985 (c. 67)**

**34.**—(1) The Transport Act 1985 is amended as follows.

(2) In section 6(1B)(37) for “local education authority” in each place where those words occur substitute “local authority”.

(3) In section 88—

(a) for subsection (2)(b) substitute—

“(b) of all—

(i) local authorities in England and Wales, or,

(ii) education authorities in Scotland or local authorities exercising social work functions in Scotland,

in relation to any expenditure on transport for the purposes of or in connection with the exercise and performance of any of the functions set out in subsection (2A);”;

(b) after subsection (2) insert—

“(2A) The functions referred to in subsection (2)(b) are—

(a) in relation to local authorities in England and Wales, their education functions (as defined in section 579(1) of the Education Act 1996) and their social services functions;

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(37) Section 6(1B) was inserted by paragraph 2(3) of Schedule 10 to the Education and Inspections Act 2006.

- (b) in relation to Scotland, their functions as education authorities and their social work functions.”;
- (c) in subsection (3) for the words from the beginning to the end of paragraph (a) (but not the “and” immediately after it) substitute—
  - “(3) In subsection (2)(b) “local authority” means—
    - (a) in relation to England and Wales, a county council, a metropolitan district council, a non-metropolitan district council for an area for which there is no county council, a county borough council, a London borough council, and the Common Council of the City of London (in their capacity as a local authority);”.

### **Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)**

**35.**—(1) The Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as follows.

- (2) In section 5 for “local education authority” in each place where those words occur substitute “local authority”.
- (3) In section 7(9) for the definition of “the appropriate officer” substitute—

““the appropriate officer” of a local authority is such officer discharging education functions (as defined in section 579(1) of the Education Act 1996) of that authority or, in Scotland, functions of that authority in their capacity as an education authority, as may be appointed by the authority for the purposes of this section;”.

### **Copyright, Designs and Patents Act 1988 (c. 48)**

**36.** In section 174(2) of the Copyright, Designs and Patents Act 1988 for “local education authority” substitute “local authority (as defined in section 579(1) of the Education Act 1996) or (in Northern Ireland) a local education authority.”.

### **Children Act 1989 (c. 41)**

**37.**—(1) The Children Act 1989 is amended as follows.

- (2) In section 24(2)(d)(i) for “, Primary Care Trust or local education authority” substitute “or Primary Care Trust or by a local authority in the exercise of education functions”.
- (3) In section 24C(**38**)—
  - (a) in subsection (2)(b) for “, Primary Care Trust or local education authority” substitute “or Primary Care Trust or by a local authority in the exercise of education functions”;
  - (b) after subsection (3) insert—

“(4) In a case where a child was accommodated by a local authority in the exercise of education functions, subsection (2) applies only if the local authority who accommodated the child are different from the local authority within whose area the child proposes to live.”
- (4) Omit section 27(3)(b).
- (5) Omit section 28.
- (6) In section 30—
  - (a) omit subsection (3);

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(38) Section 24C was inserted by section 4(1) of the Children (Leaving Care) Act 2000 (c. 35).

- (b) in subsection (4) for “local education authority” substitute “education”.
- (7) In section 36—
  - (a) in subsection (1) for “local education authority” in both places where those words occur substitute “local authority”;
  - (b) in subsection (7) for “local education authority” substitute “local authority”;
  - (c) in subsection (8)—
    - (i) for “local education authority” substitute “local authority”;
    - (ii) at the end insert “if different”.
- (8) In section 47—
  - (a) in subsection (5) for “the relevant local education authority” substitute—
 

“the local authority (as defined in section 579(1) of the Education 1996), if different, specified in subsection (5ZA).

(5ZA) The local authority referred to in subsection (5) is—

    - (a) the local authority who —
      - (i) maintain any school at which the child is a pupil, or
      - (i) make 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 in whose area the school is situated.”
  - (b) in subsection (11) omit paragraph (b).
- (9) In section 80—
  - (a) in subsection (1)(c) for “local education authority or” substitute “local authority in the exercise of education functions or a”;
  - (b) in subsection (5)—
    - (i) in paragraph (e) omit “local education authority.”;
    - (ii) omit paragraph (f);
    - (iii) in paragraph (g) for “a local education authority” substitute “a local authority” and omit “or local education authority”.
- (10) In section 85—
  - (a) in subsection (1) for “, NHS foundation trust or local education authority” substitute “or NHS foundation trust or by a local authority in the exercise of education functions”;
  - (b) after subsection (2) insert—
 

“(2A) In a case where the child is provided with accommodation by a local authority in the exercise of education functions, subsections (1) and (2) apply only if the local authority providing the accommodation is different from the responsible authority.”
- (11) In section 87(39), in subsections (4), (4A) and (10), for “local education authority” in each place where those words occur substitute “local authority”.
- (12) In section 87B(2)(40) for “local education authority” in both places where those words occur substitute “local authority”.

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(39) Section 87(1) to (5) was substituted by section 105(2) of the Care Standards Act 2000.

(40) Section 87B was inserted by section 38 of the Deregulation and Contracting Out Act 1994 (c.40) and subsection (2) amended by section 106(2) of the Care Standards Act 2000.

- (13) In section 105(1)—
- (a) after the definition of “dwelling house” insert—  
““education functions” has the meaning given by section 579(1) of the Education Act 1996;
  - (b) omit the definition of “local education authority”.
- (14) In Schedule 3—
- (a) in paragraph 17(1)(c) for “the local education authority concerned” substitute “the local authority designated in the order”;
  - (b) in paragraph 19(1) for “the local education authority concerned shall notify the appropriate local authority” substitute “the local authority designated in the order shall notify the appropriate local authority, if different”.
- (15) In paragraph 1(1)(b) of Schedule 9A(41) for “local education authority” substitute “local authority”.

#### **Local Government and Housing Act 1989 (c. 42)**

- 38.**—(1) The Local Government and Housing Act 1989 is amended as follows.
- (2) In section 2(10)(a) for “local education authority” substitute “local authority”.
  - (3) Section 13 is amended as follows.
  - (4) In subsection (5)—
    - (a) in the opening words for “local education authority” substitute “local authority”;
    - (b) in paragraph (a) for the words from “functions” to the end substitute “education functions of the authority”;
    - (c) in paragraph(b) for the words from “functions” to the end substitute “education functions of the authorities”.
  - (5) In subsection (9)—
    - (a) omit “and” immediately following the definitions of “council manager”, “executive” and “mayor and council manager executive”;
    - (b) after those definitions insert—  
““education functions” has the meaning given by section 579(1) of the Education Act 1996; and”.

#### **Environmental Protection Act 1990 (c. 43)**

**39.** In section 98(2)(c)(iii) of the Environmental Protection Act 1990 for “local education authority” substitute “local authority as defined in section 579(1) of the Education Act 1996”.

#### **Disability Discrimination Act 1995 (c. 50)**

- 40.**—(1) The Disability Discrimination Act 1995 is amended as follows.
- (2) In section 14A(5)(42), for paragraph (b) of the definition of “qualifications body” (but not the “or” immediately after it) substitute—  
“(b) a local authority (as defined in section 579(1) of the Education Act 1996) when exercising education functions (as defined in that section), ”.

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(41) Schedule 9A was inserted by Schedule 3 to the Care Standards Act 2000.

(42) Section 14A was inserted by [SI 2003/1673](#).

- (3) In section 28D**(43)**—
- (a) in subsections (1), (4) and (5) for “local education authority” substitute “local authority”;
  - (b) for subsection (16) substitute—
 

“(16) In this section and in section 28E “local authority” has the meaning given by section 579(1) of the Education Act 1996.”
- (4) In section 28E(1), (2), (5) (6) and (7) for “local education authority” substitute “local authority”.
- (5) In section 28F—
- (a) in subsection (1)(a) for “local education authority” substitute “local authority”;
  - (b) for subsection (6) substitute—
 

“(6) In this section and section 28G, “local authority” has the meaning given by section 579(1) of the Education Act 1996.”
- (6) In section 28G(5) and (7)(a) for “local education authority” substitute “local authority”.
- (7) In section 28U—
- (a) in the title for “local education authorities substitute “local authorities”;
  - (b) for “local education authority” in each place where those words occur substitute “local authority”.
- (8) In section 31AA(6)(a)**(44)** for sub-paragraph (ii) substitute—
- “(ii) a local authority (as defined in section 579(1) of the Education Act 1996) when exercising education functions (as defined in that section),
- (9) In Schedule 4A for “local education authority” in each place where those words occur substitute “local authority as defined in section 579(1) of the Education Act 1996”.
- (10) In the title to Part 1 of Schedule 4C for “Local Education Authorities” substitute “Local Authorities”.
- (11) In paragraph 1 of Schedule 4C**(45)**, in the substituted section 28R—
- (a) in the title, for “local education authorities” substitute “local authorities”;
  - (b) in subsections (1) to (6) for “local education authority” in each place where those words occur substitute “local authority”;
  - (c) in subsection (7)—
    - (i) in the definitions of “responsible body” and “further education” for “local education authority” substitute “local authority”;
    - (ii) for the definition of “local education authority” substitute—
 

““local authority” has the meaning given by section 579(1) of the Education Act 1996.”
- (12) In paragraph 6 of Schedule 4C, in the substituted section 28R—
- (a) in the title, for “local education authorities” substitute “local authorities”;
  - (b) in subsection (5) for “local education authority” substitute “local authority”;
  - (c) in subsection (6)—

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**(43)** Sections 28D to 28U and Schedule 4A were inserted by section 14 of , and Schedule 2 to, the Special Educational needs and Disability Act 2001 (c. 10)

**(44)** Section 31AA was inserted by section 15 of the Disability Discrimination Act 2005 (c 15).

**(45)** Schedule 4C was substituted by SI 2006/1721.



- (i) in the definitions of “responsible body” and “recreational or training facilities” for “local education authority” substitute “local authority”;
- (ii) for the definition of “local education authority” substitute—
  - ““local authority” has the meaning given by section 579(1) of the Education Act 1996;
- (iii) in the definition of “recruitment or training facilities” for “local education authorities” in both places where those words occur substitute “local authorities”.

### **Employment Rights Act 1996 (c. 18)**

**41.**—(1) The Employment Rights Act 1996 is amended as follows.

(2) In section 50(9)(a) for “local education authority” substitute “local authority (as defined in section 579(1) of the Education Act 1996)”.

(3) In section 134—

- (a) for “local education authority” in each place where those words occur, substitute “local authority”;
- (b) at the end insert—

“(3) In this section “local authority” has the meaning given by section 579(1) of the Education Act 1996.”

(4) In section 139—

- (a) in subsection (3) for “local education authority” substitute “local authority”;
- (b) at the end insert—

“(7) In subsection (3) “local authority” has the meaning given by section 579(1) of the Education Act 1996.”

(5) In section 218—

- (a) in subsection (7) for “local education authority” in both places where those words occur substitute “local authority”;
- (b) at the end insert—

“(11) In subsection (7) “local authority” has the meaning given by section 579(1) of the Education Act 1996.”

### **Data Protection Act 1998 (c. 29)**

**42.**—(1) Schedule 11 of the Data Protection Act 1998 is amended as follows.

(2) In paragraphs 3 and 4 for “local education authority” in each place where those words occur substitute “local authority”.

(3) After paragraph 4 insert—

“**4A.** In paragraphs 3 and 4 “local authority” has the meaning given by section 579(1) of the Education Act 1996.”

### **Crime and Disorder Act 1998 (c. 37)**

**43.**—(1) Section 42 of the Crime and Disorder Act 1998 (sections 37 to 42: supplementary provisions) is amended as follows.

(2) In subsection (1), in the definition of “local authority” after ““local authority”” insert “(except in section 39A)”.

(3) After subsection (2) insert—

“(2A) So far as relating to the Isles of Scilly, subsection (2) does not apply for the purposes of section 39A.”

#### **Greater London Authority Act 1999 (c. 29)**

**44.** In section 193(3) of the Greater London Authority Act 1999 for “local education authority” in each place where those words occur substitute “local authority”.

#### **Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)**

**45.** In paragraphs 3(8) and 7(2) and (3) of Schedule 6 to the Powers of Criminals Courts (Sentencing) Act 2000 for “local education authority” in each place where those words occur substitute “local authority”.

#### **Learning and Skills Act 2000 (c. 21)**

**46.**—(1) The Learning and Skills Act 2000 is amended as follows.

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

(3) In section 36(3) after the definition of “funding period” insert —

““local authority” means a local authority in Wales (within the meaning of section 579(1) of the Education Act 1996);”.

(4) In section 74(1) before the definition of “the National Assembly” insert —

““local authority in Wales” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act);”.

(5) In sections 77(5), 83(3) and (6) and 84(3) after “authority” insert “in Wales”.

(6) In section 96 after subsection (8) add —

“(9) In this section and sections 100 to 102 “local authority” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act).”

(7) In section 110 after subsection (5) add —

“(6) In this section “local authority” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act).”

(8) In section 113(3) for paragraphs (a) and (b) substitute “those powers and duties were conferred by that Act”.

(9) In section 113A(11)(**46**) after the definition of “alteration” insert —

““local authority” and “local authority in Wales” have the same meaning as in the Education Act 1996 (see section 579(1) of that Act);”.

(10) In section 139B(**47**) for subsection (8) substitute —

“(8) “local authority in England” and “school year” have the same meaning as in the Education Act 1996 (see section 579(1) of that Act).”

(11) In section 140 after subsection (5) insert —

“(5A) “Local authority in Wales” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act).”

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**(46)** Section 113A was inserted by the Education Act 2002 section 72 and amended by paragraph 49 of Schedule 6 to the Apprenticeships, Skills, Children and Learning Act 2009.

**(47)** Section 139B was inserted by the Education and Skills Act 2008 section 80.

### **Local Government Act 2000 (c. 22)**

47.—(1) Schedule 1 to the Local Government Act 2000 is amended as follows.

(2) In paragraphs 7(1), 8(1) and 9(1) for “which is a local education authority” substitute “which has education functions”.

(3) in paragraph 10—

(a) for “local education authorities” substitute “local authorities”;

(b) for “local education authority” substitute “local authority”.

(4) After paragraph 11 insert—

“11A. In paragraphs 7 to 9 “education functions” has the meaning given by section 579(1) of the Education Act 1996.”

### **Political Parties, Elections and Referendums Act 2000 (c. 41)**

48.—(1) Paragraph 3 of Schedule 12 to the Political Parties, Elections and Referendums Act 2000 is amended as follows.

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

(3) After sub-paragraph (4) insert—

“(5) In this paragraph “local authority” has the meaning given by section 579(1) of the Education Act 1996.”

### **Criminal Justice and Court Services Act 2000 (c. 43)**

49.—(1) Section 36 of the Criminal Justice and Court Services Act 2000 is amended as follows.

(2) In subsection (6)(d) for “local education authority” substitute “local authority”.

(3) In subsection (14) for the definition of “education functions” substitute—

““education functions” in relation to a local authority has the meaning given by section 579(1) of the Education Act 1996.”.

### **Adoption and Children Act 2002 (c. 38)**

50.—(1) The Adoption and Children Act 2002 is amended as follows.

(2) In section 4(9)—

(a) for the words from “functions” to “1996)” substitute “education functions (as defined in section 579(1) of the Education Act 1996) of another local authority (as defined in section 579(1) of that Act)”;

(b) for the words “or local education authority” substitute “or other local authority”.

(3) In section 8—

(a) omit subsection (2)(c);

(b) at the end insert—

“(4) In this section “local authority” includes any body that is a local authority as defined in section 579(1) of the Education Act 1996 (in addition to the bodies mentioned in the definition in section 144(1)).”

### **Nationality, Immigration and Asylum Act 2002 (c. 41)**

51.—(1) The Nationality, Immigration and Asylum Act 2002 is amended as follows.

- (2) In section 36—
- (a) in subsection (1) for “local education authority” in both places where those words occur substitute “local authority”;
  - (b) in subsection (4)(b) for “local education authority” substitute “local authority”.
- (3) In section 37 for “local education authority” in each place where those words occur, substitute “local authority”.

#### **Anti-social Behaviour Act 2003 (c. 38)**

**52.** In sections 19 to 21, 22A(48) and 24 of the Anti-social Behaviour Act 2003 for “local education authority” and “local education authorities” in each place where those words occur substitute “local authority” and “local authorities” respectively.

#### **Criminal Justice Act 2003 (c. 44)**

**53.—**(1) Section 325 of the Criminal Justice Act 2003 is amended as follows.

- (2) In subsection (3) for “functions under any other enactment” substitute “relevant functions”.
- (3) In subsection (6)—
- (a) in paragraph (c) for “local education authority” substitute “local authority acting in the exercise of its relevant functions”;
  - (b) in paragraph (d) omit “or social services authority”.
- (4) In subsection (9)—
- (a) for “local education authority” substitute “local authority”;
  - (b) at the appropriate places insert the following definitions—
    - ““education functions” has the meaning given by section 579(1) of the Education Act 1996;”;
    - ““relevant functions means—
      - (a) in the case of a local authority, the education functions and the social services functions of that authority;
      - (b) in the case of any other person specified in subsection (6), the functions of that person under any other enactment;”;    - ““social services functions” has the meaning given by section 1A of the Local Authority Social Services Act 1970.”;
  - (c) omit the definition of “social services authority”.

#### **Carers (Equal Opportunities) Act 2004 (c. 15)**

- 54.—**(1) Section 3 of the Carers (Equal Opportunities) Act 2004 is amended as follows.
- (2) Omit subsection (5)(b).
- (3) In subsection (7) omit the definition of “local education authority”.

#### **Children Act 2004 (c. 31)**

**55.—**(1) The Children Act 2004 is amended as follows.

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(48) Section 22A was inserted by section 99(3) of the Education and Inspections Act 2006 (c. 40).

(2) In Part 2 for “children’s services authority” and “children’s services authorities” in each place where those words occur substitute “local authority” and “local authorities” respectively.

(3) In section 10(4)(fa)(49) omit “in their capacity as a local education authority”.

(4) In section 18—

(a) in subsection (2)(a)—

(i) insert “education” before “functions”;

(ii) omit “in their capacity as a local education authority”;

(b) in subsection (3)(e)—

(i) after “other” insert “education”;

(ii) omit “in their capacity as a local education authority”;

(c) for subsection (10) substitute—

“(10) In this section—

“the appointed day” means such day as the Secretary of State may by order appoint;

“education functions” has the meaning given by section 579(1) of the Education Act 1996.”

(5) In Part 3 for “children’s services authority” and “children’s services authorities” in each place where those words occur substitute “local authority” and “local authorities” respectively.

(6) In sections 45 and 46 for “children’s services authority ” in each place where those words occur substitute “local authority ”.

(7) In section 49(1) and (2) for “children’s services authority” in each place where those words occur substitute “local authority”.

(8) In section 50—

(a) for subsection (1) substitute—

“(1) Section 497A of the Education Act 1996 (power to secure proper performance of a local authority’s education functions) applies in relation to the functions of a local authority which are specified in subsection (2) as it applies in relation to a local authority’s education functions.

(1A) In subsection (1) “education functions” has the meaning given by section 579(1) of the Education Act 1996.”;

(b) in subsection (2)—

(i) for the opening words substitute “The functions of a local authority are—”;

(ii) in paragraph (c) for “children’s services authority” in both places where those words occur substitute “local authority”;

(c) in subsection (4) for “relevant functions of a children’s services authority in England or Wales” substitute “functions of a local authority which are specified in subsection (2)”;

(d) omit subsection (5);

(e) in subsection (6) for “relevant functions of a children’s services authority in England or Wales” substitute “the functions of a local authority which are specified in subsection (2)”.

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(49) Section 10(4)(fa) was inserted by section 193(2)(a) of the Apprenticeships, Skills, Children and Learning Act 2009 .

### **Income Tax (Trading and Other Income) Act 2005 (c.5)**

**56.**—(1) Section 71 of the Income Tax (Trading and Other Income) Act 2005 is amended as follows.

(2) For subsection (1)(a) substitute —

“(a) a local authority (but only to the extent that the services of the employee are made available to the authority for the purposes of, or in connection with, the education functions of the authority).”

(3) In subsection (1)(b) for “by a local education authority” substitute “, in the exercise of their education functions, by a local authority”.

(4) After subsection (3) add —

“(4) In subsection (1) “local authority” and “education functions” have the same meaning as in the Education Act 1996 (see section 579(1) of that Act).”

### **Equality Act 2006 (c.3)**

**57.**—(1) The Equality Act 2006 is amended as follows.

(2) In section 49 for “local education authority” in each place where those words occur substitute “local authority”.

(3) In section 51 —

(a) for subsection (1) substitute—

“(1) It is unlawful for a local authority in England and Wales in the exercise of their education functions, or for an education authority in Scotland in the exercise of their functions, to discriminate against a person.”;

(b) in subsection (2) for “local education authorities” substitute “local authorities”;

(c) after subsection (3) insert—

“(4) In this section “local authority” and “education functions” have the meanings given by section 579(1) of the Education Act 1996.”

(4) In section 66(2)(a) for “local education authority” substitute “local authority”.

### **Childcare Act 2006 (c.21)**

**58.**—(1) The Childcare Act 2006 is amended as follows.

(2) In section 15—

(a) for subsection (1) substitute—

“(1) Section 496 of the 1996 Act (powers of Secretary of State to prevent unreasonable exercise of functions) applies in relation to the powers conferred or duties imposed on an English local authority by or under this Part as it applies in relation to the powers conferred or duties imposed on a local authority in England by or under the 1996 Act.”;

(b) in subsection (2) for “local education authority in England” substitute “local authority in England”;

(c) for subsection (3) substitute—

“(3) Section 497A of the 1996 Act (power to secure proper performance of a local authority’s education functions) applies in relation to an English local authority’s functions under this Part as it applies in relation to the education functions of a local authority in England.

(3A) In subsection (3) “education functions” has the meaning given by section 579(1) of the 1996 Act.”;

(d) omit subsection (5).

(3) In section 28 for “functions conferred on a local education authority in their capacity as such” substitute “education functions (as defined in section 579(1) of the Education Act 1996)”.

(4) In section 29—

(a) in subsection (1) omit “a local education authority in Wales and”;

(b) in subsection (2) for “a local education authority in Wales” substitute “such an authority”;

(c) in subsection (3) for “LEA” substitute “local authority” and for “the functions of a local education authority in Wales mentioned in subsection (1) of that section” substitute “the education functions (as defined in section 579(1) of the 1996 Act) of such an authority”;

(d) omit subsection (5).

(5) In section 101(9), in paragraph (a) of the definition of “funded nursery education” for “local education authority” substitute “local authority” and for “LEA” substitute “local authority”.

#### **Government of Wales Act 2006 (c.32)**

**59.**—(1) The Government of Wales Act 2006 is amended as follows.

(2) In Field 5 in Part 1 of Schedule 5 substitute “local authorities” for “local education authorities” in each place where those words occur.

(3) In Table 2 in paragraph 35(4) of Schedule 11—

(a) in the description for the entry relating to section 207(4) of the Education Act 2002, for “local education authorities” substitute “local authorities”;

(b) in the description for the entry relating to section 40(3)(a) of the Education Act 2005, for “local education authority” substitute “local authority”;

(c) in the description for the entry relating to section 52(5) of the Education Act 2005, for “LEAs” substitute “local authorities”.

#### **National Health Service Act 2006 (c. 41)**

**60.**—(1) The National Health Service Act 2006 is amended as follows.

(2) in section 254(2) for paragraph (c) substitute—

“(c) a local authority (as defined in section 579(1) of the Education Act 1996) for the purposes of the exercise of any education functions (as defined in that section).”

(3) In section 256(1)(c) for “an authority which is a local education authority for the purposes of the Education Act 1996” substitute “a local authority (as defined in section 579(1) of the Education Act 1996)”.

(4) In section 275(1) omit the definition of “local education authority”.

(5) In Schedule 1—

(a) in paragraph 1 for “local education authorities” substitute “local authorities”;

(b) in paragraphs 2, 4, 5 and 7A(50) for “local education authority” in each place where those words occur substitute “local authority”.

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(50) Paragraph 7A of Schedule 1 was inserted by section 143 of the Health and Social Care Act 2008 (c. 14).

### **National Health Service (Wales) Act 2006 (c. 42)**

**61.**—(1) The National Health Service (Wales) Act 2006 is amended as follows.

(2) In section 192(2) for paragraph (c) substitute—

“(c) a local authority (as defined in section 579(1) of the Education Act 1996) for the purposes of the exercise of any education functions (as defined in that section).”

(3) In section 194(1)(c) for “an authority which is a local education authority for the purposes of the Education Act 1996” substitute “a local authority (as defined in section 579(1) of the Education Act 1996)”.

(4) In section 206(1) omit the definition of “local education authority”.

(5) In Schedule 1—

(a) in paragraph 1 for “local education authorities” substitute “local authorities”;

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

### **Safeguarding Vulnerable Groups Act 2006 (c.47)**

**62.**—(1) The Safeguarding Vulnerable Groups Act 2006 is amended as follows.

(2) In section 21—

(a) in subsection (10)(a) for “educational or” substitute “education functions or its”;

(b) in subsection (11) before the definition of “educational records” insert—

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

(c) in subsection (11) for the definition of “local authority” substitute—

““local authority” has the meaning given by section 579(1) of the Education Act 1996;

(d) in subsection (11) in the definition of “social services functions” for “that Act” substitute “the Local Authority Social Services Act 1970”.

(3) In Schedule 4—

(a) in paragraph 4(7), for the definition of “education functions” substitute—

““education functions”, in relation to a local authority, has the meaning given by section 579(1) of the Education Act 1996;”;

(b) in paragraph 8 for sub-paragraph (7) substitute—

“(7) In relation to a local authority which has not appointed a director of children’s services under section 18 of the Children Act 2004, in sub-paragraph (1)(b) above the word “adult” must be ignored.”

### **Criminal Justice and Immigration Act 2008 (c.4)**

**63.**—(1) The Criminal Justice and Immigration Act 2008 is amended as follows.

(2) In Schedule 1—

(a) in paragraph 25 for “local education authority” in each place where those words occur substitute “local authority”;

(b) in the second column of the Table in paragraph 34(4) for “local education authority” substitute “local authority”.

(3) For paragraph 5(5) of Schedule 3 substitute—



“(5) The references to a local authority in paragraph 25 of that Schedule (education requirement) (except in sub-paragraph (6) of that paragraph) have effect as references to an Education and Library Board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986 (SI 1986/594 (NI 3)).”

(4) After paragraph 5(6) of Schedule 3 insert—

“(6A) The reference in the second column of the Table in paragraph 34(4) of that Schedule (additional persons to whom court must give a copy of the order) to the local authority specified under paragraph 25(2) of that Schedule has effect as a reference to the Education and Library Board specified under that paragraph.”

#### **Health and Social Care Act 2008 (c.14)**

**64.** In section 144 of the Health and Social Care Act 2008 for “local education authority” in each place where those words occur substitute “local authority”.

#### **Children and Young Persons Act 2008 (c. 23)**

**65.**—(1) Section 31 of the Children and Young Persons Act 2008 is amended as follows.

(2) In subsection (6) for “children’s services authority” substitute “local authority”.

(3) In subsection (10)—

(a) in the definition of “the appropriate Local Safeguarding Children Board” for “children’s services authority in England or in Wales” substitute “local authority”;

(b) for the words ““children’s services authority in England” and “children’s services authority in Wales” have” substitute ““local authority” has”.

#### **Corporation Tax Act 2009 (c.4)**

**66.**—(1) Section 71 of the Corporation Tax Act 2009 is amended as follows.

(2) For subsection (1)(a) substitute—

“(a) a local authority (but only to the extent that the services of the employee are made available to the authority for the purposes of, or in connection with, the education functions of the authority).”

(3) In subsection (1)(b) for “by a local education authority” substitute “, in the exercise of their education functions, by a local authority”.

(4) After subsection (3) add—

“(4) In subsection (1) “local authority” and “education functions” have the same meaning as in the Education Act 1996 (see section 579(1) of that Act).”

## SCHEDULE 3

Article 5(2)

## Repeals

## Part 1

## Education Acts

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Education Reform Act 1988 (c.40)	Section 163(1).  Section 231(4).  In section 235(1) the definition of “local authority”.  In Schedule 10, paragraph 1(5) the words after paragraph.
Education Act 1996 (c.56)	Section 12.  Section 322(5).  In section 408(6) the words after paragraph (e).  In section 447(2) the words “, having consulted the appropriate local authority.”.  In section 580 the entries relating to “area (of a local education authority)”, “local education authority” and “the local education authority”.  In Schedule 37 paragraph 84.
Teaching and Higher Education Act 1998 (c.30)	In section 23(1)(a) the words “for the purposes of the Education Act 1996”.
School Standards and Framework Act 1998 (c.31)	In section 47A(10)(b) the words “in their capacity as a children’s services authority within the meaning of that Act”.  In section 143 the entry relating to “LEA budget (in Part 2)”.
Education Act 2002 (c.32)	In section 21(10) the words “in their capacity as a children’s services authority (within the meaning of that Act)”.
Education Act 2005 (c.18)	In Schedule 21 paragraph 113(d).  Section 113(5).  Section 114(8)(b)(i).

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Education and Inspections Act 2006 (c.40)	In section 80(2) the words “in relation to local education authorities with effect”.
Education and Skills Act 2008 (c.25)	In section 77(3) the definition of “local authority”.
Apprenticeships, Skills, Children and Learning Act 2009 (c. 22)	<p>In section 50, in paragraph (a) of the definition of “the home authority” in subsection (1) of the section 562J inserted into the Education Act 1996 the words “the local authority”.</p> <p>In section 194(8)(b), in paragraph (b) of the subsection (10) inserted into section 47A of the School Standards and Framework Act 1998 the words “in their capacity as a children’s services authority within the meaning of that Act”.</p> <p>In section 194(9)(b) in the subsection (10) inserted into section 21 of the Education Act 2002 the words “in their capacity as a children’s services authority (within the meaning of that Act)”.</p> <p>In section 246 in subsection (5)(b) of the section 93A inserted into the Education and Inspection Act 2006 the words “within the meaning of the Children Act 1989”.</p> <p>In section 247 in subsection (5)(b) of the section 85D inserted into the Further and Higher Education Act 1992 the words “(within the meaning of the Children Act 1989)”.</p> <p>In section 252–</p> <ul style="list-style-type: none"> <li>(a) subsection (2);</li> <li>(b) in subsection (3)(c) the words “, in its capacity as a children’s services authority in England,”;</li> <li>(c) in subsection (5)(a) the words “education functions or”;</li> <li>(d) in subsection (6) the definition of “children’s services authority in England”.</li> </ul>

## Part 2

### Acts other than Education Acts

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Children and Young Persons Act 1933 (c.12)	Section 96(3), (4) and (4A).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

<i>Short title and chapter</i>	<i>Extent of repeal</i>
	Sections 97 and 98.
Children Act 1948 (c.43)	In the third Schedule, the entries relating to sections 97 and 98 of the Children and Young Persons Act 1933.
London Government Act 1963 (c.33)	Section 30.
Children and Young Persons Act 1963 (c.37)	Section 56.
Children and Young Persons Act 1969 (c.54)	In section 9(1) the words “or a local education authority”.
	In section 70(1), in the definition of “local authority” the words “except in relation to proceedings under section 1 of this Act instituted by a local education authority”.
Local Authority Social Services Act 1970 (c.42)	In Schedule 1, in the entry relating to the Children and Young Persons Act 1969, in the first column, the words from “except” to the end.
Superannuation Act 1972 (c.11)	Section 9(7)
Local Government and Housing Act 1989 (c.42)	In section 13(9) the word “and” at the end of the definitions of “council manager, “executive” and “mayor and council manager executive”.
Children Act 1989 (c.41)	Section 27(3)(b).
	Section 28.
	Section 30(3).
	Section 47(11)(b).
	In section 80-
	(a) in subsection (5)(e) the words “local education authority”;
	(b) subsection (5)(f);
	(c) in subsection (5)(g) the words “or local education authority”.
	In section 105(1) the definition of “local education authority”.
	In Schedule 13 paragraph 26(1)(b).
Local Government (Wales) Act 1994 (c.19)	In Schedule 10-
	(a) paragraph 1(3);
	(b) paragraph 4(1).
Adoption and Children Act 2002 (c.38)	Section 8(2)(c)
Criminal Justice Act 2003 (c.44)	In section 325—
	(a) in subsection (6)(d) the words “or social services authority”;

<i>Short title and chapter</i>	<i>Extent of repeal</i>
	(b) in subsection (9) the definition of “social services authority”.
Carers (Equal Opportunities) Act 2004 (c.15)	In section 3- (a) subsection (5)(b); (b) in subsection (7) the definition of “local education authority”.
Children Act 2004 (c.31)	In section 10(4)(fa) the words “in their capacity as a local education authority”.  In section 18(2)(a) the words “in their capacity as a local education authority”.  In section 18(3)(e) the words “in their capacity as a local education authority”.  Section 50(5).  In section 65(1) the definitions of “children’s services authority in England” and “children’s services authority in Wales”.
Childcare Act 2006 (c.21)	Section 15(5).  In section 29(1) the words “a local education authority in Wales and”.  Section 29(5).
National Health Service Act 2006 (c.41)	In section 275(1) the definition of “local education authority”.
National Health Service (Wales) Act 2006 (c.42)	In section 206(1) the definition of “local education authority”.

## SCHEDULE 4

Article 5(3)

## Transitional Provisions

1. The table in paragraph 2 of the Schedule inserted into EA 1996 by article 3(4) has effect—
  - (a) until the date on which sections 31 to 33 of the Learning and Skills (Wales) Measure 2009 come into force, with the omission of the entries relating to sections 33J to 33L of the Learning and Skills Act 2000, and
  - (b) until the date on which sections 11 to 13 of the Education (Wales) Measure 2009 come into force, with the omission of the entries relating to sections 28IC to 28IE of the Disability Discrimination Act 1995.
  
- 2.—(1) If section 194 of the Apprenticeships, Skills, Children and Learning Act 2009 comes into force on or before the day on which this Order comes into force, Schedule 2 to this Order has effect with the omission of —

- (a) paragraph 16(7), and
  - (b) the entries in Schedule 3 relating to section 194(8)(b) and (9)(b) of the Apprenticeships, Skills, Children and Learning Act 2009.
- (2) If sub-paragraph (1) does not apply, Schedule 2 to this Order has effect with the omission of—
- (a) paragraphs 10(7) and 11(7), and
  - (b) the entries in Schedule 3 relating to—
    - (i) section 47A(10)(b) of SSFA 1998, and
    - (ii) section 21(10) of EA 2002.
3. Until section 51 of the Apprenticeships, Skills, Children and Learning Act 2009 comes into force, Part 2 of Schedule 2 to this Order has effect with the omission of paragraph 43.
4. If Schedule 6 and Part 2 of Schedule 16 to the Apprenticeships, Skills, Children and Learning Act 2009 are not in force on the day on which this Order comes into force, this Order has effect as if—
- (a) in Schedule 1, in the entry for sections 96,101 and 102 of the Learning and Skills Act 2000, after “96,” there were inserted “97,”
  - (b) after paragraph 46(2) of Schedule 2 there were inserted—
    - “(2A) In section 7(3) after the definition of “funding period” insert—
      - ““local authority” means a local authority in England (within the meaning of section 579(1) of the Education Act 1996);”.
    - (2B) In section 18 after subsection (8) add—
      - “(9) In this section “local authority in England” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act),”.
    - (2C) In section 18C after subsection (8) add—
      - “(9) The reference to local authorities in subsection (4) is a reference to each local authority any part of whose area falls within the area of the regional council, and in this section “local authority” has the same meaning as in section 7.”, and”
  - (c) in paragraph 46(9) of Schedule 2, after “local authority” there were inserted “;“local authority in England””.
- 5.—(1) In the provisions specified in sub-paragraph (2) (to the extent that they continue in force by virtue of any savings made, in connection with their repeal by the Teaching and Higher Education Act 1998, by an order under section 46(4) of that Act) for “local education authority” and “local education authorities” in each place where those words occur substitute “local authority” and “local authorities” respectively.
- (2) The provisions are—
- (a) the Education Act 1962(**51**);
  - (b) section 3 of the Education Act 1973(**52**);
  - (c) section 2(3) of the Education (Fees and Awards) Act 1983;
  - (d) section 209 of the Education Reform Act 1988;
  - (e) the Education (Student Loans) Act 1990(**53**).

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(51) 1962 c.12  
 (52) 1973 c.16  
 (53) 1990 c.6

6. In sections 60(4) and 61(4) and (5) of EA 1996 (to the extent that these provisions continue in force by virtue of any savings made, in connection with their repeal by SSFA 1998, by an order under section 145(3) of that Act) for “local education authority” in each place where those words occur substitute “local authority”.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This order repeals the definitions of “local education authority” in section 12 of the Education Act 1996 and the definitions of “children’s services authority in England” and “children’s services authority in Wales” in section 65(1) of the Children Act 2004. It then amends the definition of “local authority” in the Education Act 1996 and replaces it with new definitions (including separate definitions of “local authority in England” and “local authority in Wales”). It also inserts new definitions relating to “local authority” in the Children Act 2004 (again with separate definitions of “local authority in England” and “local authority in Wales”).

A local authority in both the Education Act 1996 and the Children Act 2004 is defined in the order as a county council in areas where there is also a district council and a unitary authority.

Schedule 1 to the draft order inserts a new Schedule 36A into the Education Act 1996. This Schedule contains a list of education functions.

Schedule 2 (divided into two parts covering Education Acts and Acts other than Education Acts) makes consequential and connected amendments. The main form of amendment is to substitute “local authority” for “local education authority” and “children’s services authority”. Other amendments are—

- (a) to substitute a reference to education functions, which are defined in the new Schedule 36A to the Education Act 1996 for references framed as functions conferred on an authority in its capacity as a local education authority;
- (b) to amend provisions which require a local education authority to consult or cooperate with a local authority where the two authorities are the same;
- (c) to make specific provisions to cover the small number of cases where the current definition of “local authority” in the Education Act 1996 applies; the current definition of “local authority” includes a district council in areas where there is also a county council, as well as the authorities mentioned above;
- (d) to repeal some obsolete provisions.