

SCHEDULE 1

Article 2

Amendment of Education Subordinate Legislation

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

1.—(1) The Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994<sup>(1)</sup> are amended as follows.

(2) In regulation 2—

- (a) omit the definition of “local authority”;
- (b) in the definition of “non-maintained special school” for “local education authority” substitute “local authority”;
- (c) for the definition of “relevant local education authority” substitute—  
““relevant local authority” in relation to a child with a statement means the local authority by whom the statement is maintained;”.

(3) In Schedule 1—

(a) for paragraph 5(2) substitute—

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

- (a) his parents;
- (b) the local authority in whose areas the school is situated; and
- (c) (if different) the local authority who have arranged for the placing of the child, stating the grounds for the proposed exclusion, and shall take into account any representation made by them.”;

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

(4) In Schedule 2—

- (a) in paragraph 6 for “the local education authority in whose area the school is situated, any local education authority or, as the case may be, local authority who have arranged the placing of a child at the school and the local authority in whose area the school is situated” substitute “the local authority in whose area the school is situated and any other local authority who have arranged the placing of a child at the school”;
- (b) in the heading to paragraph 8 for “local education authorities” substitute “local authorities”;
- (c) in paragraphs 8(1) and (5), 9(1) and 10(1)(b) and (3)(b) for “local education authority” substitute “local authority”;
- (d) in paragraph 11(1) omit “local education authority or”;
- (e) in paragraph 11(2) for “a local authority or the relevant local education authority” substitute “the local authority in whose area the school is situated and (if different) the relevant local authority”; and
- (f) in paragraph 12(3) omit “local education authority or, as the case may be”.

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

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

*Education (School Attendance Order) Regulations 1995*

- 2.—(1) The Education (School Attendance Order) Regulations 1995(2) are amended as follows.
- (2) In regulation 2(3) for “local education authority” substitute “local authority”.
- (3) In the Schedule omit “Local Education Authority” and “Education Authority”.

*Education (Assisted Places) (Incidental Expenses) Regulations 1997*

3. In regulation 3 of the Education (Assisted Places) (Incidental Expenses) Regulations 1997(4), in paragraph (c) of the definition of “school travel expenditure” for “local education authority” substitute “local authority in the exercise of education functions (within the meaning of the Education Act 1996)”.

*Education (Infant Class Sizes) (Wales) Regulations 1998*

- 4.—(1) The Education (Infant Class Sizes) (Wales) Regulations 1998(5) are amended as follows.
- (2) In regulation 2—
  - (a) omit the definition of “LEA”;
  - (b) in the definitions of “child with a statement” and “statement” for “an LEA” substitute “a local authority”.

*Education (Foundation Body) (Wales) Regulations 2001*

- 5.—(1) The Education (Foundation Body) (Wales) Regulations 2001(6) are amended as follows.
- (2) In regulation 7 for “local education authority” substitute “local authority”.
- (3) For regulation 10(2)(c) substitute—
  - “(c) not be an elected member of a local authority which maintains any school in the group or a person employed by such an authority in connection with its education functions”.
- (4) In regulations 21(9), 22(5) and 24(1)(d) and in paragraph 7(6) of Schedule 2, for “local education authority” in each place where those words occur substitute “local authority”.

*Change of Category of Maintained Schools (Wales) Regulations 2001*

- 6.—(1) The Change of Category of Maintained Schools (Wales) Regulations 2001(7) are amended as follows.
- (2) For “local education authority” in each place where those words occur substitute “local authority” and for “local education authorities” in each place where those words occur substitute “local authorities”.
- (3) In regulation 15A for “LEA governor” substitute “authority governor”.

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(2) S.I. 1995/2090.

(3) As published the Education (School Attendance Order) Regulations 1995 contain two regulations with the number 1, and the regulation bearing the number 2 is the third regulation.

(4) S.I. 1997/1969 as amended by S.I. 1998/1585, 1999/1505, 2003/1779 (W.193), 2008/510 (W.46), 2008/1879.

(5) S.I. 1998/1943 as amended by S.I. 2003/2959 (W.277), 2009/828 (W. 75).

(6) S.I. 2001/2709 (W.228) as amended by S.I. 2009/2544 (W.206).

(7) S.I. 2001/2678 (W.219) as amended by S.I. 2005/2916 (W.213), 2006/173 (W.24).

*Education (Budget Statements) (Wales) Regulations 2002*

- 7.—(1) The Education (Budget Statements) (Wales) Regulations 2002<sup>(8)</sup> are amended as follows.
- (2) In regulation 2(1)—
- (a) in the definition of “authority” for “local education authority” substitute “local authority”;
  - (b) omit the definition of “LEA number”; and
  - (c) insert in the appropriate alphabetical order—  
““authority number” means the reference number allocated to the authority by the Welsh Ministers;”.
- (3) In regulation 4(6)(c) for “LEA number” substitute “authority number”.
- (4) In Schedule 1—
- (a) in Table 1 for “LEA Name” substitute “Local Authority’s Name” and for “LEA Code” substitute “Local Authority’s Code”;
  - (b) in the Notes to Part 1 in paragraphs 1, 5(b) and 15 for “LEA” substitute “local authority”.
- (5) In Schedule 2 in Table 2 for “LEA” substitute “Local Authority” and for “LEA No.” substitute “Authority No.”.

*Education (Special Educational Needs) (Wales) Regulations 2002*

- 8.—(1) The Education (Special Educational Needs) (Wales) Regulations 2002<sup>(9)</sup> are amended as follows.
- (2) In regulation 2—
- (a) in paragraph (1)—
    - (i) for the definition of “authority” substitute—  
““authority” means a local authority;”;
    - (ii) omit the definition of “social services authority”; and
    - (iii) insert the following definition at the appropriate place in alphabetical order—  
““social worker” means a person employed or engaged by the authority as a social worker;”;
  - (b) in paragraph (3) omit the words “or the social services authority” and “or social services authority”.
- (3) In regulation 6—
- (a) in paragraph (2) omit sub-paragraph (a); and
  - (b) in each of paragraphs (4) and (5) for “paragraph (2)(a) to (d)” substitute “paragraph (2)(b) to (d)”.
- (4) In regulation 7(1) for sub-paragraph (e) substitute—  
“(e) advice from a social worker.”.
- (5) In regulation 12—
- (a) in paragraph (7)(e) omit the words “or a social services authority”, “or (e) respectively” and “or the social services authority”;
  - (b) after paragraph (7)(h) insert—

<sup>(8)</sup> S.I. 2002/122 (W.16) as amended by S.I. 2005/2913 (W.210).

<sup>(9)</sup> S.I. 2002/152 (W.20) as amended by S.I. 2002/3135, 2003/1717 (W.184).

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“(i) the authority have not produced or maintained any social services information or records relevant to the assessment of the child before the date on which they served or gave the notice referred to in regulation 6(1), 6(4) or 6(5) (as appropriate).

(7A) In paragraph (7)(i) “social services information or records” means information or records produced or maintained by the authority in connection with the exercise of their social services functions (within the meaning of the Local Authority Social Services Act 1970(10)).”;

- (c) in paragraph (8) substitute “and (10)” for “, (10) and (11)” and omit “or a social services authority”, “or (e) respectively” and “or social services authority”;
- (d) in paragraph (9)—
  - (i) omit “or a social services authority”; and
  - (ii) in sub-paragraph (c) omit “or the social services authority respectively”;
- (e) omit paragraph (11).
- (6) In regulation 18(6)—
  - (a) omit “and on the social services authority”; and
  - (b) in sub-paragraph (a)(i) omit “or social services authority”.
- (7) In regulation 21(6)—
  - (a) for sub-paragraph (c) substitute—
    - “(c) two representatives of the authority of which one is to be a person employed or engaged by the authority in connection with their education functions and one is to be a social worker,”; and
  - (b) omit sub-paragraph (g).
- (8) In regulation 22—
  - (a) in paragraph (3)(b) for “a representative of the social services authority” substitute “a social worker”; and
  - (b) in paragraph (5) after “the authority” insert “who is a person employed or engaged by the authority in connection with its education functions”.
- (9) In regulation 23(7) and (8) for “local education authority” substitute “local authority”.
- (10) In regulation 24(1)(g) for “social services authority” substitute “local authority”.
- (11) In Part A and Part B of Schedule 1 for “maintained (LEA) school, including an LEA maintained special school” substitute “maintained (local authority) school including a local authority maintained special school”.
- (12) In Schedule 2—
  - (a) in Part 1, in paragraph 2 for “Advice for Social Services Authority” substitute “Social Work Advice”;
  - (b) in Part 6 in the heading Appendix E for “the Social Services Authority” substitute “the Social Worker”.

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(10) 1970 c. 42.

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

**9.**—(1) The Special Education Needs (Provision of Information by Local Education Authorities (Wales) Regulations 2002(**11**) are amended as follows.

(2) In the title of the Regulations for “Local Education Authorities” substitute “Local Authorities”.

(3) In regulation 1(1) for “Local Education Authorities” substitute “Local Authorities”.

(4) In regulation 1(2) omit the definition of “social services authority”.

(5) In regulation 2 for “local education authority” substitute “local authority”.

(6) In regulation 3—

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

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

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

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

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

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

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

**10.**—(1) The Education (Teacher Student Loans) (Repayment etc.) Regulations 2003(**12**) are amended as follows.

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

(3) In regulation 4(1)(b) for “or a local education authority” substitute “or with a local authority in connection with its education functions”.

*Schools Forums (Wales) Regulations 2003*

**11.**—(1) The Schools Forums (Wales) Regulations 2003(**13**) are amended as follows.

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

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

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

**12.**—(1) The LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003(**14**) are amended as follows.

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

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

(12) S.I. 2003/1917 as amended by S.I. 2005/3238 (W.243), 2005/3309.

(13) S.I. 2003/2909 (W.275) as amended by S.I. 2005/2913 (W.210), 2005/3238 (W.243), 2006/5.

(14) S.I. 2003/3118 (W.296) as amended by S.I. 2004/696, 2005/2913 (W.210), 2005/3238 (W.243).

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

- (3) In regulation 1(1) for “LEA Budget” substitute “Non-schools Education Budget”.
- (4) In regulation 2 for “local education authority” in each place where those words occur substitute “local authority”.
- (5) In regulation 4 for “local education authority” in each place where those words occur other than in the second sub-paragraph (a) in paragraph (2) substitute “local authority”.
- (6) In regulation 4(2) in the second sub-paragraph (a) for “a local education authority’s LEA budget” substitute “a local authority’s non-schools education budget”.
- (7) For the heading to regulation 5 substitute—  
    **“The Non-schools Education Budget”**
- (8) In regulation 5(1)—
  - (a) for “local education authority” in the first place where those words occur substitute “local authority”; and
  - (b) for “a local education authority’s LEA budget” substitute “a local authority’s non-schools education budget”.
- (9) In regulation 6 for “local education authority” substitute “local authority”.
- (10) In the heading to Schedule 1 for “THE LEA BUDGET OF A LOCAL EDUCATION AUTHORITY” substitute “THE NON-SCHOOLS EDUCATION BUDGET OF A LOCAL AUTHORITY”.
- (11) In Schedule 1—
  - (a) in paragraph 18 for “local education authority” substitute “local authority”;
  - (b) in paragraph 19 for “in their capacity as a local education authority” substitute “in connection with their education functions”.
- (12) In the heading to Schedule 2 for “LOCAL EDUCATION AUTHORITY” substitute “LOCAL AUTHORITY”.
- (13) In Schedule 2, in paragraphs 9, 10, 18 and 21 for “local education authority” in each place where those words occur substitute “local authority”.

*Education (Pupil Information) (Wales) Regulations 2004*

**13.—**(1) The Education (Pupil Information) (Wales) Regulations 2004<sup>(15)</sup> are amended as follows.

- (2) In regulation 2(1)—
  - (a) for “local education authority” in each place where those words occur, other than in the definition of “LEA number”, substitute “local authority”;
  - (b) omit the definition of “LEA number”; and
  - (c) insert in the appropriate alphabetical order—  
    ““authority number” is a combination of numbers allocated to a local authority which is particular to that authority, determined by the Welsh Ministers;”.
- (3) In regulations 3, 4, 5, 6 and 10 for “local education authority” in each place where those words occur substitute “local authority”.
- (4) In paragraph 8 of Schedule 1 for “LEA” substitute “authority”.

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<sup>(15)</sup> S.I. 2004/1026 (W.123) as amended by S.I. 2004/2914 (W.253), 2005/1396 (W.110), 2005/3239 (W.244), 2007/3563 (W.313).

*Schools Budget Shares (Wales) Regulations 2004*

**14.**—(1) The Schools Budget Shares (Wales) Regulations 2004(**16**) are amended as follows.

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

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

*Education (LEA Financial Schemes) (Wales) Regulations 2004*

**15.**—(1) The Education (LEA Financial Schemes) (Wales) Regulations 2004(**17**) are amended as follows.

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

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

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

*New Maintained Schools (Wales) Regulations 2005*

**16.**—(1) The New Maintained Schools (Wales) Regulations 2005(**18**) are amended as follows.

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

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

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

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

(5) For regulation 12 substitute—

**“Temporary authority governors**

**12.**—(1) A “temporary authority governor” is a person appointed to be a member of the temporary governing body of a new school by the local authority.

(2) A person is disqualified from appointment as a temporary authority governor of a school if he or she is eligible to be a temporary staff governor or a temporary teacher governor of a school.”.

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

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

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

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

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(16) S.I. 2004/2506 (W.224) as amended by S.I. 2005/2913 (W.210), 2005/3238 (W.243), 2008/1866 (W. 178).

(17) S.I. 2004/2507 (W.225).

(18) S.I. 2005/2912 (W.209).

*Government of Maintained Schools (Wales) Regulations 2005*

**17.**—(1) The Government of Maintained Schools (Wales) Regulations 2005(**19**) are amended as follows.

- (2) In regulations 3(2)(c) and 4(2)(a) for “local education authority” substitute “local authority”.
- (3) For regulation 4(2)(b) substitute—  
“**(b)** employed by the local authority in connection with its education functions;”.
- (4) For regulation 7 substitute—

**“Authority governors**

**7.**—(1) In these Regulations “authority governor” means a person who is appointed as a governor by the local authority.

(2) A person is disqualified from appointment or continuing to hold office as an authority governor of a school if he or she is eligible to be a teacher or staff governor of the school.”.

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

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

“**(e)** employed by the local authority in connection with its education functions.”.

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

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

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

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

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

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

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

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

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

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

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

**18.**—(1) The Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010(**20**) are amended as follows.

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

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

(20) S.I. 2010/638 (W.64).



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

*School Funding (Wales) Regulations 2010*

**19.**—(1) The School Funding (Wales) Regulations 2010(**21**) are amended as follows.

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

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

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

(5) For the heading to regulation 4 substitute—

**“The Non-schools Education Budget”.**

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

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

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

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