

2001 No. 828

EDUCATION, ENGLAND

**The Local Education Authority (Behaviour Support)
(Amendment) (England) Regulations 2001**

<i>Made - - - -</i>	<i>6th March 2001</i>
<i>Laid before Parliament</i>	<i>9th March 2001</i>
<i>Coming into force</i>	<i>1st April 2001</i>

In exercise of the powers conferred on the Secretary of State by sections 527A(4) and (5) and 569(4) of the Education Act 1996^(a) the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Education Authority (Behaviour Support Plans) (Amendment) (England) Regulations 2001 and shall come into force on 1st April 2001.

(2) These Regulations apply only in relation to England.

Amendment of Regulations

2. The Local Education Authority (Behaviour Support Plans) Regulations 1998^(b) shall be amended as follows—

- (a) in regulation 2 (Interpretation) the definition of “Training and Enterprise Council” shall be deleted;
- (b) in regulation 3 (Consultation)—
 - (i) for paragraph (2)(m) there shall be substituted—

“(m) the local learning and skills council (as defined in section 19 of the Learning and Skills Act 2000^(c)) which carries out functions on behalf of the Learning and Skills Council for England in the authority’s area;”
 - (ii) in paragraph (2)(n) for the words “clerk to the justices” there shall be substituted the words “justices’ chief executive”; and
 - (iii) paragraph (5) shall be deleted.

6th March 2001

Jacqui Smith
Parliamentary Under Secretary of State,
Department for Education and Employment

^(a) 1996 c. 56. Section 527A was inserted by section 9 of the Education Act 1997 (c. 44) and there are subsequent amendments not relevant to the present Regulations. For the meaning of “prescribed” and “regulations” see section 579(1) of the 1996 Act. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.

^(b) S.I. 1998/644.

^(c) 2000 c. 21.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Education Authority (Behaviour Support Plans) Regulations 1998 in relation to England only on 1st April 2001.

A local education authority are required under the 1988 Regulations to consult specified persons when preparing or revising a statement setting out the arrangements for educating children with behavioural difficulties in their area.

These Regulations replace the reference to consultation with every Training and Enterprise Council which provides assistance to persons who reside within the authority's area, to consultation with the local learning and skills council which carries out functions on behalf of the Learning and Skills Council for England in the authority's area.

These Regulations also provide for the consultation to be with the justices' chief executive rather than the justices' clerk, for each petty sessions area any part of which lies within the authority's area. This change results from the transfer of the administrative functions of justices' clerks to justices' chief executives by section 90 of, and Schedule 13 to, the Access to Justice Act 1999 (c. 22) on 1st April 2001.

£1.50

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E 0627 04/01 ON (MFK)