WELSH STATUTORY INSTRUMENTS

2010 No. 1142 (W.101)

EDUCATION, WALES

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

Made - - - - 31 March 2010
Laid before the National Assembly for Wales - - 1 April 2010

Coming into force in accordance with article 1(1)

The Welsh Ministers make this Order, in exercise of the powers conferred by section 162 of the Education and Inspections Act 2006(**1**).

Title, commencement and interpretation

1.—(1) The title of this Order is the Local Education Authorities and Children's Services Authorities (Integration of Functions) (Subordinate Legislation) (Wales) Order 2010 and it comes into force on the thirty-fifth day after the day on which it is made.

(2) In this Order "education subordinate legislation" means subordinate legislation made wholly under powers in any of the Education Acts (within the meaning of the Education Act 1996) and "non-education subordinate legislation" is to be construed accordingly.

Amendment of Education Subordinate Legislation

2.—(1) This article applies in relation to Wales.

(2) The education subordinate legislation specified in Schedule 1 is amended in accordance with that Schedule.

(3) In any provision of education subordinate legislation not specified in Schedule 1 and in the titles of such subordinate legislation, for "local education authority" and "LEA" in each place where those words occur substitute "local authority" and for "local education authorities" and "LEAs" in each place where those words occur substitute "local authorities".

(**1**) 2006 c. 40. Functions of the National Assembly for Wales under section 162 were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). Section 162 was amended by section 23 of the Learner Travel (Wales) Measure 2008 (nawm 2), by paragraph 11 of the Schedule to the Education (Wales) Measure 2009 (nawm 5) and by paragraph 20 of Schedule 1 to the Children and Families (Wales) Measure 2010 (nawm 1).

Amendment of Non-education Subordinate Legislation

3. The non-education subordinate legislation specified in Schedule 2 (which relate to local education authorities in Wales) is amended in accordance with that Schedule.

Leighton Andrews
Minister for Children, Education and Lifelong Learning, one of the Welsh Ministers

31 March 2010

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(**2**) 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".

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

Education (School Attendance Order) Regulations 1995

2.—(1) The Education (School Attendance Order) Regulations 1995(**3**) are amended as follows.

(2) In regulation 2(**4**) 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(**5**), 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(**6**) 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(**7**) 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(**8**) 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".

(**3**) S.I. 1995/2090.
(**4**) 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.
(**5**) S.I. 1997/1969 as amended by S.I. 1998/1585, 1999/1505, 2003/1779 (W.193), 2008/510 (W.46), 2008/1879.
(**6**) S.I. 1998/1943 as amended by S.I. 2003/2959 (W.277), 2009/828 (W. 75).
(**7**) S.I. 2001/2709 (W.228) as amended by S.I. 2009/2544 (W.206).
(**8**) 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(**9**) 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(**10**) 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;"; and

(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—

(**9**) S.I. 2002/122 (W.16) as amended by S.I. 2005/2913 (W.210).
(**10**) S.I. 2002/152 (W.20) as amended by S.I. 2002/3135, 2003/1717 (W.184).