



# Local Government Act 1972

## 1972 CHAPTER 70

### PART IX

#### FUNCTIONS

##### *Education, social and welfare services*

#### **192 Education.**

- (1) The local education authority for each non-metropolitan county [<sup>F1</sup>in England] shall be the council of the county and the local education authority for each metropolitan district shall be the council of the district [<sup>F2</sup>but, for each principal area in Wales, the local education authority shall be the council of that principal area].
- (2) No scheme of divisional administration shall be made under Part III of Schedule I to the <sup>M1</sup> Education Act 1944 and that Part of that Schedule shall cease to have effect.
- (3) Section 52 of the <sup>M2</sup> Local Government Act 1958 shall cease to have effect on the passing of this Act.
- (4) For the definition of “minor authority” in section 114(1) of the Education Act 1944 there shall be substituted the following definition:—

““minor authority” means, in relation to a school maintained by a local education authority,—

- (a) where the area which appears to the local education authority to be served by the school is a parish or community, the parish or community council or, in the case of a parish which has no council, the parish meeting;
- (b) where the said area is a community having no community council or is an area in England which is not within a parish and is not situated in a metropolitan county, the council of the district for the area concerned;

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- (c) where the said area comprises two or more of the following, a parish, a community or an area in England which is not within a Parish and is not situated in a metropolitan county—
  - (i) the parish or community council or councils, if any ;
  - (ii) in the case of a parish which has no council the parish meeting;
  - (iii) in the case of an area which is a community having no community council or which is in England and is not within a parish, the council of the district concerned ;
 acting jointly.”

(5) Subject to subsection (6) below any instrument made by an existing local education authority for an area outside Greater London in connection with the discharge of any of their functions, and any other thing done by or to or in relation to such an authority in connection therewith, shall be treated as having been made by, or done by or to or in relation to, the new local education authority to whom those functions are transferred by or by virtue of this Act, and any instrument relating to the exercise of those functions, or to things done in their exercise or property held or maintained for the purposes of those functions shall, so far as it so relates, have effect as if any reference to a specified existing local education authority for an area outside Greater London by whom those functions were exercisable or to the area of such an authority were a reference to the new local education authority to whom those functions are so transferred or to so much of the area of the new authority as includes the area of the existing authority, as the case may be.

(6) Subsection (5) above is without prejudice to any express provision made by, or by any instrument made under, this Act, but has effect subject to any provision to the contrary so made and in particular may be excluded from applying, either wholly or to any specified extent, in any particular case by an order made by the Secretary of State.

**Textual Amendments**

**F1** Words in s. 192(1) inserted (1.4.1996) by 1994 c. 19, s. 21(2) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, Sch. 1

**F2** Words in s. 192(1) added (1.4.1996) by 1994 c. 19, s. 21(2) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, Sch. 1

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**Modifications etc. (not altering text)**

**C1** The text of s. 192(2)–(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**Marginal Citations**

**M1** 1944 c. 31.

**M2** 1958 c. 55.

<sup>F3</sup>193, .....  
194.

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### Textual Amendments

**F3** Ss. 193, 194 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 67, SIF 61\)](#), ss. 3, 6, **Sch. 1 Pt. 1**

## 195 Social services functions.

- (1) Outside Greater London, the local authorities for the purposes of the <sup>M3</sup>Local Authority Social Services Act 1970 (in this section referred to as “the Act of 1970”) shall be the councils of non-metropolitan counties and the councils of metropolitan districts; and accordingly in section 1 of that Act for the words “counties, county boroughs” there shall be substituted the words “ non-metropolitan counties, metropolitan districts ”.
- (2) In a non-metropolitan county [<sup>F4</sup>in England] each district council and the county council shall from time to time consult together with respect to the nature and extent of the accommodation needed for people who by reason of infirmity or disability (whether arising from age or otherwise) are in need of accommodation of a special character.
- (3) The following proposals and schemes, so far as in force immediately before 1st April 1974, that is to say,—
  - (a) proposals approved under section 20 of the <sup>M4</sup>National Health Service Act 1946 relating to the duties of local health authorities under section 22 of that Act (care of mothers and young children) or under section 12 of the <sup>M5</sup>Health Services and Public Health Act 1968 (prophylaxis, care and after-care), and
  - (b) schemes approved under section 34 of the <sup>M6</sup>National Assistance Act 1948 (relating to the provision of accommodation, the welfare of handicapped persons and the employment of disabled persons),shall cease to have effect; and the local authorities who, by virtue of section 1 of the Act of 1970, <sup>F5</sup>. . . , are the local authorities for the purposes of that Act may, with the approval of the Secretary of State, and to such extent as he may direct shall, make arrangements for carrying out the functions to which those proposals and schemes formerly related.
- (4) Any delegation scheme under section 46 of the <sup>M7</sup>Local Government Act 1958 (relating to health and welfare functions) which is in force immediately before 1st April 1974 shall cease to have effect.
- (5) Any scheme or regional plan made by a children’s regional planning committee under the <sup>M8</sup>Children and Young Persons Act 1969 and in force immediately before 1st April 1974 shall, subject to the provisions of that Act, continue in force with such modifications as may be necessary to take account of the replacement of the existing local authorities by the new authorities.
- (6) The enactments specified in Schedule 23 to this Act, being enactments conferring social services functions on local authorities in varying capacities, shall have effect subject to the amendments specified in that Schedule, being amendments designed—
  - (a) to vest those functions in the local authorities who, by virtue of section 1 of the Act of 1970, as amended by subsection (1) above, are the local authorities for the purposes of that Act; and
  - (b) to give effect to subsection (3) above, as it affects those authorities.

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[<sup>F6</sup>(7) In section 64(1) of the <sup>M9</sup>National Assistance Act 1948 (interpretation), in the definition of “local authority”, the words “county borough” shall be omitted and, after word “district”, there shall be inserted the words “ or London borough or the Common Council of the City of London ”.]

#### Textual Amendments

- F4** Words in s. 195(2) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 40(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F5** Words in s. 195(3) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 40(b), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F6** S. 195(7) added (*retrospectively*) by Health Services Act 1980 (c. 53, SIF 113:2), s. 23

#### Marginal Citations

- M3** 1970 c. 42.
- M4** 1946 c. 81.
- M5** 1968 c. 46.
- M6** 1948 c. 29.
- M7** 1958 c. 55.
- M8** 1969 c. 54.
- M9** 1948 c.29(**81:3**).

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