

Status: Point in time view as at 05/05/2022.

Changes to legislation: Local Government Act 2000, Cross Heading: Overview and scrutiny committees: education functions is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

EXECUTIVE ARRANGEMENTS [F1IN WALES]: FURTHER PROVISION

Textual Amendments

- F1** Words in Sch. 1 heading inserted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 3 para. 72(1)(2); S.I. 2012/1008, art. 4(b)

Overview and scrutiny committees: education functions

F17

Textual Amendments

- F1** Sch. 1 para. 7 repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 3 para. 72(6), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)

- 8 (1) In this paragraph “relevant ^{F2}... authority” means a local authority ^{F3}... [^{F4}which has education functions].
- (2) This paragraph applies to an overview and scrutiny committee of a relevant ^{F5}... authority if the committee’s functions under section 21 relate wholly or partly to any education functions which are the responsibility of the authority’s executive.
- (3) This paragraph also applies to a sub-committee of an overview and scrutiny committee of a relevant ^{F6}... authority if the sub-committee’s functions under section 21 relate wholly or partly to any education functions which are the responsibility of the authority’s executive.
- (4) An overview and scrutiny committee or sub-committee to which this paragraph applies must include one or more persons appointed as representatives of the persons who appoint foundation governors for the maintained schools which are maintained by the authority concerned and which are specified in directions made by the [^{F7}Welsh Ministers] as schools which have a character connected with a particular religion, or particular religious denomination, specified in the directions.
- (5) Sub-paragraph (4) does not apply if there are no maintained schools which are maintained by the authority concerned and which are specified in directions under that sub-paragraph.
- (6) A member of an overview and scrutiny committee or sub-committee appointed by virtue of sub-paragraph (4) is to be entitled to vote at a meeting of the committee or sub-committee on any question—

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- (a) which relates to any education functions which are the responsibility of the authority concerned's executive, and
 - (b) which falls to be decided at the meeting.
- (7) The [^{F8}Welsh Ministers] may by directions to a relevant ^{F9}... authority require any of the authority's overview and scrutiny committees or sub-committees to which this paragraph applies to include persons who are appointed, in accordance with the directions, as representatives of the persons who appoint foundation governors for such of the maintained schools which are maintained by the authority concerned and which are not specified in directions under sub-paragraph (4) as may be specified in directions under this sub-paragraph.
- (8) Directions under sub-paragraph (7) may make provision with respect to the voting rights of persons appointed in accordance with such directions.

Textual Amendments

- F2** Word in Sch. 1 para. 8(1) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 3 para. 72(7) (a)(i), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F3** Words in Sch. 1 para. 8(1) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 3 para. 72(7) (a)(ii), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F4** Words in Sch. 1 para. 8(1) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 47(2)**
- F5** Word in Sch. 1 para. 8(2) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 3 para. 72(7) (b), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F6** Word in Sch. 1 para. 8(3) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 3 para. 72(7) (b), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F7** Words in Sch. 1 para. 8(4) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 72(7)(c)**; S.I. 2012/1008, art. 4(b)
- F8** Words in Sch. 1 para. 8(7) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 72(7)(c)**; S.I. 2012/1008, art. 4(b)
- F9** Word in Sch. 1 para. 8(7) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 3 para. 72(7) (b), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)

Commencement Information

- I1** Sch. 1 para. 8 wholly in force at 28.7.2001; Sch. 1 para. 8 not in force at Royal Assent see s. 108; Sch. 1 para. 8(4)(5)(8) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), **art. 2**; Sch. 1 para. 8 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

- 9
- (1) In this paragraph “relevant authority” means a local authority [^{F10}which has education functions].
 - (2) This paragraph applies to an overview and scrutiny committee of a relevant authority if the committee's functions under section 21 relate wholly or partly to any education functions which are the responsibility of the authority's executive.
 - (3) This paragraph also applies to a sub-committee of an overview and scrutiny committee of a relevant authority if the sub-committee's functions under section 21 relate wholly or partly to any education functions which are the responsibility of the authority's executive.
 - (4) The [^{F11}Welsh Ministers] may by regulations require an overview and scrutiny committee or sub-committee to which this paragraph applies to include one or more

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persons elected, in accordance with the regulations, as representatives of parent governors at maintained schools which are maintained by the relevant authority concerned.

- (5) Regulations under this paragraph may make provision for—
- (a) the number of persons who are to be elected in the case of any relevant authority,
 - (b) the procedure to be followed in connection with the election of such persons and the persons who are entitled to vote at such an election,
 - (c) the circumstances in which persons are qualified or disqualified for being so elected or for holding office once elected,
 - (d) the term of office of persons so elected and their voting rights,
 - (e) the application to any such committee or sub-committee, with or without any modification, of any enactment (whenever passed or made) relating to committees or (as the case may be) sub-committees of a local authority,
 - (f) such other matters connected with such elections or persons so elected as the [F12Welsh Ministers consider] appropriate.
- (6) Regulations under this paragraph may also make provision—
- (a) enabling the [F13Welsh Ministers] to determine, where [F14they consider] it expedient to do so in view of the small number of maintained schools which are maintained by a relevant authority, that the requirement imposed on the committee or sub-committee by virtue of sub-paragraph (4) is to have effect as if it referred to representatives of parents of registered pupils (rather than representatives of parent governors) at those schools,
 - (b) for any regulations under this paragraph to have effect, where the [F15Welsh Ministers make] any such determination, with such modifications as may be prescribed.

Textual Amendments

- F10** Words in Sch. 1 para. 9(1) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 47(2)**
- F11** Words in Sch. 1 para. 9(4) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 72(8)(a)**; S.I. 2012/1008, art. 4(b)
- F12** Words in Sch. 1 para. 9(5)(f) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 72(8)(b)**; S.I. 2012/1008, art. 4(b)
- F13** Words in Sch. 1 para. 9(6)(a) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 72(8)(c)(i)**; S.I. 2012/1008, art. 4(b)
- F14** Words in Sch. 1 para. 9(6)(a) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 72(8)(c)(ii)**; S.I. 2012/1008, art. 4(b)
- F15** Words in Sch. 1 para. 9(6)(b) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 72(8)(d)**; S.I. 2012/1008, art. 4(b)

Commencement Information

- I2** Sch. 1 para. 9 wholly in force at 28.7.2001; Sch. 1 para. 9 not in force at Royal Assent see s. 108; Sch. 1 para. 9 in force at 7.8.2000 in relation to England only by [S.I. 2000/2187](#), **arts. 1(3), 2(c)**; Sch. 1 para. 9(4)-(6) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), **art. 2**; Sch. 1 para. 9 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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- [^{F16}10 Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies to the performance of any duty imposed on a local authority by virtue of paragraph 8 or 9 as it applies to the performance by a local authority of a duty that is an education function but as if—
- (a) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act; an
 - (b) sections 24 to 27 of that Act did not apply.]

Textual Amendments

- F16** Sch. 1 para. 10 substituted (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 5(2)**; S.I. 2014/178, art. 2(f) (with art. 3)

- 11 Except for the expression “local authority”, expressions used in paragraphs [^{F17}8] to 10 and the ^{M1}School Standards and Framework Act 1998 have the same meaning in those paragraphs as in that Act.

Textual Amendments

- F17** Word in Sch. 1 para. 11 substituted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 72(10)**; S.I. 2012/1008, art. 4(b)

Commencement Information

- I3** Sch. 1 para. 11 wholly in force at 1.11.2000; Sch. 1 para. 11 not in force at Royal Assent see s. 108; Sch. 1 para. 11 in force at 7.8.2000 in relation to England only by S.I. 2000/2187, **arts. 1(3), 2(c)**; Sch. 1 para. 11 in force at 1.11.2000 in relation to Wales by S.I. 2000/2948, **art. 2**

Marginal Citations

- M1** 1998 c. 31.

- [^{F18}11A. In paragraphs [^{F19}8 and][^{F20}10] “education functions” has the meaning given by section 579(1) of the Education Act 1996.]

Textual Amendments

- F18** Sch. 1 para. 11A inserted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 47(4)**
- F19** Words in Sch. 1 para. 11A substituted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 72(11)**; S.I. 2012/1008, art. 4(b)
- F20** Word in Sch. 1 para. 11A substituted (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 5(3)**; S.I. 2014/178, art. 2(f) (with art. 3)

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