

EDUCATION AND INSPECTIONS ACT 2006

EXPLANATORY NOTES

COMMENTARY

Part 9: Miscellaneous

Section 162: Power to repeal references to "local education authority" and "children's services authority" etc.

642. This section gives the Secretary of State and the National Assembly for Wales, subject to the procedural requirements and limitations set out in the section, a power by order to repeal references in primary and secondary legislation to the terms "local education authority" and "children's services authority". The power will enable the Secretary of State or the Assembly to replace such references with references to a local authority, or to make other appropriate modifications to the references.
643. Such modifications might include modifications to legislation requiring local authorities to consult or cooperate with local education authorities, depending, for example, on whether or not the local authorities and local education authorities concerned were intended to be one and the same authority, or different authorities within two-tier areas, or neighbouring authorities; or the repeal of provisions that are spent or have ceased to be of any practical utility.
644. The Secretary of State's power can, with the consent of the Assembly, cover references to local education authorities and children's services authorities so far as those references relate to Wales. The Assembly's concurrent power can only cover references to local education authorities and children's services authorities so far as those references relate to Wales.
645. County level and unitary authorities provide children's services, and are subject to the provisions of the Children Act 2004 in relation to the designation of a lead member for children's services and the appointment of a Director of Children's Services. Such authorities are referred to in the Children Act 1989 as "local authorities" and in the Children Act 2004 as "children's services authorities". The same authorities have responsibilities relating to education and, in the context of education, are "local education authorities". This section is therefore intended to enable the completion of the statutory measures to facilitate the integration of children's services in local authorities.