



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 9

#### MISCELLANEOUS

*References to “local education authority” or “children's services authority”*

#### **162 Power to repeal references to “local education authority” and “children's services authority” etc**

- (1) Subject to subsection (5), the Secretary of State may by order—
  - (a) make such provision as appears to him to be appropriate for the purpose of—
    - (i) repealing any reference in any statutory provision to a local education authority (however expressed) in so far as it relates to such an authority in England or such an authority in Wales, or to both, and
    - (ii) replacing it, where it appears to him to be appropriate, with a reference (however expressed) to, as the case may be, an English local authority or a Welsh local authority, or to both;
  - (b) make such provision as appears to him to be appropriate for the purpose of—
    - (i) repealing any reference in any statutory provision to a children's services authority (however expressed) in so far as it relates to a children's services authority in England or a children's services authority in Wales, or to both, and
    - (ii) replacing it, where it appears to him to be appropriate, with a reference (however expressed) to, as the case may be, an English local authority or a Welsh local authority, or to both;
  - (c) make such provision as appears to him to be appropriate in consequence of or in connection with any provision made by virtue of paragraph (a) or (b), or of both those paragraphs.
- (2) An order under subsection (1) may make provision modifying any enactment whenever passed or made (including this Act), and may, in particular, make provision—

*Status: Point in time view as at 09/12/2009.*

*Changes to legislation: Education and Inspections Act 2006, Section 162 is up to date with all changes known to be in force on or before 10 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)*

- (a) modifying references (however expressed) in any statutory provision to the functions of a local education authority, or the functions of a local authority (however defined) in its capacity as a local education authority, where the references wholly or partly relate to a local education authority in England or a local education authority in Wales;
  - (b) modifying statutory provisions which consist of or include provision requiring or authorising consultation, co-operation, communication or other action between a local education authority in England and an English local authority or between a local education authority in Wales and a Welsh local authority;
  - (c) modifying statutory provisions which consist of or include provision imposing a duty on a local education authority in England or on a local education authority in Wales where the duty imposed is similar to a duty imposed by that or any other statutory provision on, as the case may be, an English local authority or a Welsh local authority;
  - (d) modifying statutory provisions which consist of or include provision imposing a duty on an English local authority or on a Welsh local authority where the duty imposed is similar to a duty imposed by that or any other statutory provision on, as the case may be, a local education authority in England or a local education authority in Wales;
  - (e) repealing statutory provisions which are spent or have ceased to be of any practical utility.
- (3) The following powers to make provision by order under subsection (1) are exercisable by the Assembly as well as by the Secretary of State—
- (a) the power to make provision under paragraph (a) of that subsection in relation to any reference in any statutory provision to a local education authority (however expressed) in so far as it relates to such an authority in Wales,
  - (b) the power to make provision under paragraph (b) of that subsection in relation to any reference in any statutory provision to a children's services authority (however expressed) in so far as it relates to a children's services authority in Wales, and
  - (c) the power to make provision under paragraph (c) of that subsection in consequence of or in connection with any provision made by virtue of the powers under paragraph (a) or (b) of that subsection mentioned in paragraph (a) or (b) above, or by virtue of both those powers.
- (4) The Secretary of State must not make an order under subsection (1), except with the consent of the Assembly, which contains provision made wholly or partly by virtue of any of the powers to make provision under that subsection mentioned in any of paragraphs (a) to (c) of subsection (3).
- (5) An order under subsection (1) may make provision which is within the legislative competence of the Scottish Parliament only in consequence of provision made under such an order which is outside that competence.

[<sup>F1</sup>(5A) The Welsh Ministers may by order—

- (a) make such provision as appears to them to be appropriate for the purpose of—
  - (i) repealing any reference in a Measure of the National Assembly for Wales to a [local authority] (however expressed), and
  - (ii) replacing it, where it appears to them to be appropriate, with a reference (however expressed) to a Welsh local authority;

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- (b) make such provision as appears to them to be appropriate in consequence of or in connection with any provision made by virtue of paragraph (a).]

[<sup>F1</sup>(5B) An order under subsection (5A) may make provision modifying any enactment whenever passed or made, and may, in particular, make provision of the kind specified in paragraphs (a) to (e) of subsection (2).]

(6) In this section—

“children's services authority in England” and “children's services authority in Wales” have the same meaning as in the Children Act 2004 (c. 31);

“English local authority” means—

- (a) a county council in England,
- (b) a metropolitan district council,
- (c) a non-metropolitan district council for an area for which there is no county council,
- (d) a London borough council,
- (e) the Common Council of the City of London, or
- (f) the Council of the Isles of Scilly;

“modify” includes amend or repeal;

“statutory provision” means—

- (a) any provision of this or any other Act, including any Act passed after this Act, and
- (b) any provision of subordinate legislation, including any such legislation made under, or after the passing of, this Act;

“Welsh local authority” means a county council or county borough council in Wales.

[<sup>F2</sup>(7) In interpreting paragraphs (a) to (e) of subsection (2) for the purposes of subsection (5B), “statutory provision” also includes any provision of a Measure of the National Assembly for Wales, including any Measure passed after the Education (Wales) Measure 2009.]

#### Textual Amendments

**F1** S. 162(5A)(5B) substituted for s. 162(5A) (E.W.) (9.12.2009) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), s. 26(2), [Sch. para. 11](#)

**F2** S. 162(7) inserted (E.W.) (9.12.2009) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), s. 26(2), [Sch. para. 12](#)

#### Commencement Information

**I1** S. 162 in force at 8.1.2007, see s. 188(2)

**Status:**

Point in time view as at 09/12/2009.

**Changes to legislation:**

Education and Inspections Act 2006, Section 162 is up to date with all changes known to be in force on or before 10 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.