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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This order repeals the definitions of “local education authority” in section 12 of the Education Act 1996 and the definitions of “children’s services authority in England” and “children’s services authority in Wales” in section 65(1) of the Children Act 2004. It then amends the definition of “local authority” in the Education Act 1996 and replaces it with new definitions (including separate definitions of “local authority in England” and “local authority in Wales”). It also inserts new definitions relating to “local authority” in the Children Act 2004 (again with separate definitions of “local authority in England” and “local authority in Wales”).

A local authority in both the Education Act 1996 and the Children Act 2004 is defined in the order as a county council in areas where there is also a district council and a unitary authority.

Schedule 1 to the draft order inserts a new Schedule 36A into the Education Act 1996. This Schedule contains a list of education functions.

Schedule 2 (divided into two parts covering Education Acts and Acts other than Education Acts) makes consequential and connected amendments. The main form of amendment is to substitute “local authority” for “local education authority” and “children’s services authority”. Other amendments are—

- (a) to substitute a reference to education functions, which are defined in the new Schedule 36A to the Education Act 1996 for references framed as functions conferred on an authority in its capacity as a local education authority;
- (b) to amend provisions which require a local education authority to consult or cooperate with a local authority where the two authorities are the same;
- (c) to make specific provisions to cover the small number of cases where the current definition of “local authority” in the Education Act 1996 applies; the current definition of “local authority” includes a district council in areas where there is also a county council, as well as the authorities mentioned above;
- (d) to repeal some obsolete provisions.

**Changes to legislation:**

There are currently no known outstanding effects for the The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010.