

2013 No. 1721

MINISTERS OF THE CROWN

**The Transfer of Functions (Youth Leisure-time Activities) Order
2013**

Made - - - - - *10th July 2013*

Laid before Parliament *17th July 2013*

Coming into force - - - *7th August 2013*

At the Court at Windsor Castle, the 10th day of July 2013

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 1 of the Ministers of the Crown Act 1975(a), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Youth Leisure-time Activities) Order 2013.

(2) This Order comes into force on 7th August 2013.

Transfer of functions

2. The following functions of the Secretary of State under the Education Act 1996(b) are transferred to the Minister for the Cabinet Office –

- (a) the function under section 507B(12)(c) (power to give guidance to local authorities in England in respect of their duty to provide leisure-time activities for young persons);
- (b) the functions under the following sections, so far as they relate to the exercise of any function of a local authority under section 507B—
 - (i) section 496(d) (power to give direction to prevent unreasonable exercise of function);
 - (ii) section 497(e) (power to make order where authority has failed to discharge duty);

(a) 1975 c. 26; section 1 was amended by section 20 of the Constitutional Reform Act 2005 (c. 4).

(b) 1996 c. 56.

(c) Section 507B was inserted by section 6 of the Education and Inspections Act 2006 (c 40). Subsection (12) was amended by S.I. 2010/1158, article 5 and Schedule 2, paragraph 7.

(d) Subsection (2) was amended by S.I. 2010/1158, article 5 and Schedule 2, paragraph 7. Other amendments to section 496 have been made which are not relevant to this Order.

(e) Subsection (2) was amended by S.I. 2010/1158, article 5 and Schedule 2, paragraph 7. Other amendments to section 497 have been made which are not relevant to this Order.

- (iii) section 497A(a) (power to give directions to secure proper performance of functions), except subsection (5);
- (iv) section 497AA(b) (power to authorise person for the purposes of that section);
- (c) the function under section 571(c) (duty to publish guidance), so far as it relates to guidance under section 507B(12).

Consequential amendments

3.—(1) The Education Act 1996 is amended as follows.

(2) In section 507B(12), for “the Secretary of State” substitute “the Minister for the Cabinet Office”.

(3) The references in the following provisions(d) to the Secretary of State are to be read, so far as is necessary for the purposes of or in consequence of article 2, as references to the Minister for the Cabinet Office—

- (a) section 496(1);
- (b) section 497(1) and (3);
- (c) section 497A(2) to (4B), (6) and (7);
- (d) section 497AA;
- (e) section 497B(1) and (1A)(e);
- (f) section 570(1) and (2)(f);
- (g) section 571.

Supplemental: validity of things done before coming into force of Order

4.—(1) This Order does not affect the validity of anything done (or having effect as if done) under any of the provisions mentioned in article 2 or 3 by or in relation to the Secretary of State before the coming into force of this Order.

(2) In particular, the amendment made by article 3(2) does not affect the duty of a local authority to have regard to any guidance given by the Secretary of State under section 507B(12) before the coming into force of this Order.

Richard Tilbrook
Clerk of the Privy Council

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- (a) Section 497A was inserted by section 8 of the School Standards and Framework Act 1998 (c. 31). It was amended by section 60 of the Education Act 2002 (c. 32); S.I. 2010/1158, article 5 and Schedule 2, paragraph 7; and the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 59 and Schedule 2, paragraph 9.
 - (b) Section 497AA was inserted by section 61 of the Education Act 2002. It was amended by S.I. 2010/1158, article 5 and Schedule 2, paragraph 7.
 - (c) Section 571 was amended by the Education Act 1997 (c. 44), section 54 and Schedule 7, paragraph 41.
 - (d) References to the Secretary of State in those provisions are subject to article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), section 211 of the Education Act 2002 (in the case of section 497AA) and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32), by virtue of which certain functions, so far as exercisable in relation to Wales, were transferred to the Welsh Ministers.
 - (e) Section 497B was inserted by section 8 of the School Standards and Framework Act 1998. Subsection (1) was amended, and subsection (1A) was inserted, by section 62 of the Education Act 2002. Subsection (1) was also amended by S.I. 2010/1158, article 5 and Schedule 2, paragraph 7.
 - (f) Section 570 was amended by the School Standards and Framework Act 1998, section 140 and Schedule 30, paragraph 177; and S.I. 2010/1158, article 5 and Schedule 2, paragraph 7.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 1 of the Ministers of Crown Act 1975. It transfers certain functions relating to local authorities' duty to secure leisure-time activities for young persons from the Secretary of State to the Minister for the Cabinet Office.

Article 2 of the Order effects the transfers. Article 3 makes consequential amendments. Article 4 makes supplemental provision.

Section 507B of the Education Act 1996 requires a local authority in England to promote the well-being of persons aged 13-19 (and persons aged up to 25 with learning difficulties) by securing access for them to sufficient educational and recreational leisure-time activities, so far as is reasonably practicable. Section 507B(12) requires a local authority, in exercising its functions, to have regard to guidance given by the Secretary of State. The function of issuing guidance is transferred to the Minister for the Cabinet Office. Article 4(2) makes provision to ensure that guidance given by the Secretary of State prior to the coming into force of this Order continues to have effect.

Sections 496, 497, 497A and 497AA of the Education Act 1996 provide the Secretary of State with powers of intervention which are exercisable if a local authority does not perform its functions. These powers are transferred to the Minister for the Cabinet Office in relation to local authority functions under section 507B only.

Nothing in this Order alters the functions of the Welsh Ministers, the Scottish Ministers or the devolved authorities in Northern Ireland.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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