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WELSH STATUTORY INSTRUMENTS

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**2001 No. 1109 (W.53)**

**EDUCATION, WALES**

**The Education (Pupil Registration)  
(Amendment) (Wales) Regulations 2001**

*Made* - - - - *15th March 2001*

*Coming into force* - - *1st September 2001*

In exercise of the powers conferred on the Secretary of State by sections 434(1) and (3) and 551 of the Education Act 1996(1), and now vested in the National Assembly for Wales(2), the National Assembly for Wales makes the following Regulations:

**Citation, commencement and application**

1. These Regulations may be cited as the Education (Pupil Registration) (Amendment) (Wales) Regulations 2001 and shall come into force on 1st September 2001.

2. These Regulations apply to Wales only.

**Amendment**

3. The Education (Pupil Registration) Regulations 1995(3) shall be amended as follows in relation to Wales.

4. For regulation 2 (Interpretation) there shall be substituted the following regulation—

**“Interpretation**

2. In these Regulations—

“the 1998 Act” means the School Standards and Framework Act 1998(4);

“maintained school” means a school maintained by a local education authority;

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(1) 1996 c. 56. See the definition of “prescribed” and “regulations” in section 579 (1).  
(2) The functions of the Secretary of State under sections 434 and 551 of the Education Act 1996 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) to which there are amendments not relevant to these regulations.  
(3) S.I. 1995/2089; the relevant amending instrument is S.I. 1997/2624. The powers under which these regulations were made were repealed by the Education Act 1996, section 582(2) and Schedule 38 and, by virtue of section 582(3) of, and paragraph 1(2) of Schedule 39 to, that Act, the Regulations now have effect under sections 434 and 551 of that Act.  
(4) 1998 c. 31.

“proprietor” in relation to a school, means the person or body of persons responsible for the management of the school (so that, in relation to a community, foundation or voluntary school, or community or foundation special school, it means the governing body);

“the relevant person” means—

- (a) in relation to a pupil under the age of 18, a parent of the pupil;
- (b) in relation to a pupil who has attained that age, the pupil.”.

**5.** In regulation 7 (Contents of the Attendance Register)—

- (a) in paragraph (3)(c), for the words “who” to “because” there shall be substituted “to whom regulation 10(3A) applies,”;
- (b) for paragraph (4A)(5) there shall be substituted the following—

“(4A) An approved educational activity is either—

- (a) an activity which takes place outside the school premises and which is—
  - (i) approved by a person authorised in that behalf by the proprietor of the school;
  - (ii) of an educational nature, including work experience under section 560 of the Education Act 1996 and a sporting activity; and
  - (iii) supervised by a person authorised in that behalf by the proprietor or the head teacher of the school; or
- (b) in the case of a pupil, other than a pupil to whom regulation 10(3A) applies, that pupil’s attendance at another school at which he or she is a registered pupil.”(6).

**6.** In regulation 8 (Leave of absence), in paragraph (2)(c), for the words “a police magistrate as defined in paragraph (9) of that section” there shall be substituted the words “a justice of the peace”.

**7.** In regulation 9 (Deletions from Admissions Register), for paragraph (4)(d) there shall be substituted the following—

- “(d) the permanent exclusion of a pupil does not take effect until the governing body have discharged their duties under section 66 of the 1998 Act, and—
  - (i) the relevant person has stated in writing that he or she does not intend to bring an appeal under section 67 of the 1998 Act;
  - (ii) the time for bringing an appeal has expired and no appeal has been brought within that time; or
  - (iii) an appeal brought within that time has been determined or abandoned.”

**8.** In regulation 16 (Use of Computers), in paragraph (6), for “Data Protection Act 1984” there shall be substituted “Data Protection Act 1998”(7).

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(5) Paragraph (4A) was inserted by [S.I 1997/2624](#).

(6) The absence of a pupil to whom regulation 10(3A) applies (a traveller child) to attend another school at which he or she is a registered pupil will be recorded not as an approved educational activity but as an authorised absence; see the amendment to regulation 7(3)(c) of S.I. [1995/2089](#) as effected by regulation 5(a) of these Regulations.

(7) [1998 c. 29](#).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(8)

15th March 2001

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

These Regulations amend the Education (Pupil Registration) Regulations 1995 in relation to Wales. The effect of regulation 5, in the case of a pupil who is registered as a pupil at more than one school (except one who has no fixed abode because of the itinerant nature of the pupil's parent's trade or business), is to change the way the pupil's absence from one of those schools on account of his attendance at another such school is recorded in a school's attendance register. In these circumstances the pupil's absence will be recorded as an approved educational activity rather than as an authorised absence.

Regulation 6 takes account of the amendment of section 25 of the Children and Young Persons Act 1933 by regulation 5 of the Children (Protection at Work) Regulations 1998.

Regulation 7 takes account of the provisions in the School Standards and Framework Act 1998 in relation to when the permanent exclusion of a pupil takes effect.