
WELSH STATUTORY INSTRUMENTS

2010 No. 1954

The Education (Pupil Registration) (Wales) Regulations 2010

Deletions from admission register

8.—(1) The following are prescribed as the grounds on which the name of a pupil of compulsory school age must be deleted from the admission register—

- (a) where the pupil is registered at the school in accordance with the requirements of a school attendance order, that another school is substituted by the local authority for that named in the order or the order is revoked by the local authority on the ground that arrangements have been made for the child to receive efficient full-time education suitable to the child's age, ability and aptitude otherwise than at school;
- (b) except where it has been agreed by the proprietor that the pupil should be registered at more than one school, in a case not falling within sub-paragraph (a) or regulation 9, that the pupil has been registered as a pupil of another school;
- (c) where a pupil is registered at more than one school, and in a case not falling within sub-paragraph (j) or (m) and except as provided in regulation 9 that the pupil has ceased to attend the school and the proprietor of any other school at which the pupil is registered has given consent to the deletion;
- (d) in a case not falling within sub-paragraph (a), that the pupil has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school;
- (e) except in the case of a boarder, that the pupil has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which the pupil is registered;
- (f) in the case of a pupil granted leave of absence exceeding ten school days for the purpose of a holiday in accordance with regulation 7(3), that—
 - (i) the pupil has failed to attend the school within the ten school days immediately following the expiry of the period for which such leave was granted;
 - (ii) the proprietor is not satisfied that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and
 - (iii) both the proprietor and the local authority have failed, after reasonable enquiry, to ascertain where the pupil is;
- (g) that the pupil is certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither the pupil nor the pupil's parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age;
- (h) that the pupil has been continuously absent from school for a period of not less than twenty school days and—
 - (i) at no time was his or her absence during that period authorised by the proprietor in accordance with regulation 6(2);

- (ii) the proprietor is not satisfied that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and
 - (iii) both the proprietor of the school and the local authority have failed, after reasonable enquiry, to ascertain where the pupil is;
 - (i) that the pupil has been detained in pursuance of a final order made by a court or of an order of recall made by a court or the Secretary of State, that order being for a period of not less than 4 months, and the proprietor does not have reasonable grounds to believe that the pupil will return to the school at the end of that period;
 - (j) that the pupil has died;
 - (k) that the pupil will cease to be of compulsory school age before the school next meets and the relevant person has indicated that the pupil intends to cease to attend the school;
 - (l) in the case of a pupil at a school other than a maintained school, that the pupil has ceased to be a pupil of the school;
 - (m) where the pupil is registered at a maintained school, that the pupil has been permanently excluded from the school; or
 - (n) where the pupil has been admitted to the school to receive nursery education, the pupil has not on completing such education transferred to a reception class, or higher class, at the school.
- (2) In a case not covered by paragraph (1)(a), (j) or (m), or regulation 9, the name of a child who has under arrangements made by a local authority become a registered pupil at a special school must not be removed from the admission register of that school without the consent of that authority or, if that authority refuse to give consent, without a direction of the Welsh Ministers.
- (3) The following are prescribed as grounds on which the name of a pupil not of compulsory school age is to be deleted from the admission register—
- (a) that the pupil has ceased to attend the school, or, in the case of a boarder, that he or she has ceased to be a pupil of the school;
 - (b) that the pupil has been continuously absent from the school for a period of not less than twenty school days—
 - (i) at no time was the absence during that period agreed by the proprietor;
 - (ii) the proprietor is not satisfied that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and
 - (iii) the proprietor of the school has failed, after reasonable enquiry, to locate the pupil;
 - (c) that the pupil has died;
 - (d) where the pupil has been admitted to the school to receive nursery education, he or she has not on completing such education transferred to a reception class, or higher class, at the school; or
 - (e) where the pupil is registered at a maintained school, that he or she has been permanently excluded from the school.
- (4) For the purposes of this regulation—
- (a) a pupil is to be treated as ordinarily residing at a place where the pupil is habitually and normally resident apart from temporary or occasional absences;
 - (b) “reception class” means a class in which education is provided which is suitable to the requirements of pupils aged five and any pupils under or over that age whom it is expedient to educate together with pupils of that age;

- (c) children are to be regarded as having been admitted to a school to receive nursery education if they are placed on admission in a nursery class; and
- (d) the permanent exclusion of a pupil from a maintained school does not take effect until the governing body has discharged its duties under regulations made under section 52 of the Education Act 2002⁽¹⁾, and—
 - (i) the relevant person has stated in writing that he or she does not intend to bring an appeal under those regulations;
 - (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.

⁽¹⁾ 2002 c. 32. The relevant regulations in force at the time of making these Regulations are S.I. 2003/3227 (W.308), S.I. 2003/3246 (W.321) and S.I. 2004/1805 (W.193).