

This Statutory Instrument makes corrections in S.I.1989/2037 and is being issued free of charge to all known purchasers of that Instrument.

STATUTORY INSTRUMENTS

1990 No. 361

EDUCATION, ENGLAND AND WALES

The Education (Areas to which Pupils and Students Belong) (Amendment) Regulations 1990

<i>Made</i>	- - - -	<i>26th February 1990</i>
<i>Laid before Parliament</i>		<i>1st March 1990</i>
<i>Coming into force</i>	- -	<i>1st April 1990</i>

In exercise of the powers conferred on the Secretary of State by sections 35(4) and 38(5) of the Education Act 1980(1) and section 51(10) of the Education (No.2) Act 1986(2), the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:—

1. These Regulations may be cited as the Education (Areas to which Pupils and Students Belong) (Amendment) Regulations 1990 and shall come into force on 1st April 1990.

2. In these Regulations “the principal Regulations” means the Education (Areas to which Pupils and Students Belong) Regulations 1989(3).

3. In regulation 2(b) of the principal Regulations there shall be inserted after the word “absences” the words, “, except that a school pupil shall not be regarded as ordinarily resident in the area of a local education authority by reason only of his residing as a boarder at a school which is situated in the area of that authority”.

4. There shall be substituted for regulation 5 of the principal Regulations the following regulation—

“Boarding school pupils whose circumstances change

5.—(1) This regulation shall apply in the case of a school pupil, other than one for whom a statement of special educational needs is maintained under the Education Act 1981(4), who attends a boarding school as a boarder, where—

(1) 1980 c. 20.
(2) 1986 c. 61.
(3) S.I. 1989/2037.
(4) 1981 c. 60.

- (a) he so attends as a result of arrangements made or originally made by a local education authority under section 6 of the Education (Miscellaneous Provisions) Act 1953⁽⁵⁾, or
- (b) any fees or expenses which are related to his attendance are or were, immediately before the change of circumstances referred to in paragraph (2), paid, in whole or in part, by such an authority under regulations for the time being in force under section 81 of the Education Act 1944⁽⁶⁾.

(2) Such a pupil who, by reason of a change of circumstances, ceases to be treated as belonging to the area of a particular local education authority (or would so cease but for this provision) shall, irrespective of whether he commenced boarding at the school before or after the coming into force of these Regulations, be treated, for so long as he remains a boarder at the school, as belonging to the area of the local education authority who placed him at the school or give (or gave) him such financial assistance in respect of his attendance there.”

5. In regulation 8 of the principal Regulations—

- (a) in paragraph (3) there shall be substituted for the word “belonged” the words “was treated as belonging”; and
- (b) in paragraph (4) there shall be substituted for the words “did not belong” the words “was not treated as belonging”.

6. In regulation 15 of the principal Regulations there shall be inserted at the end “; and this regulation shall apply to the exclusion of any preceding regulation which would otherwise apply in his case.”.

26th February 1990

John MacGregor
Secretary of State for Education and Science

26th February 1990

Peter Walker
Secretary of State for Wales

(5) 1953 c. 33; section 6(1) was amended by Schedule 7 to the Education Act 1980 (c. 20) and section 6(2) by paragraph 8(2) of Schedule 3 to the Education Act 1981 (c. 60).

(6) 1944 c. 31; section 81 was amended by paragraph 6 of Schedule 12 to the Education Reform Act 1988 (c. 40). The Regulations currently in force are the Scholarships and Other Benefits Regulations 1977 (S.I. 1977/1443), amended by S.I. 1979/260, 542, 1989/1278.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make corrections in the Education (Areas to which Pupils and Students Belong) Regulations 1989 (“the principal Regulations”).

The definition of “ordinary residence” in regulation 2(b) of the principal Regulations is amended to make it clear that a school pupil is not to be regarded as ordinarily resident in the area of a local education authority by reason only of his residing as a boarder at a school which is situated in the area of that authority—regulation 3.

New provision is made by regulation 4 for the case where the circumstances of a boarding school pupil change, if that pupil has been placed in the school by a local education authority or received financial assistance from such an authority.

Regulation 15 of the principal Regulations (pupils and students resident in refugee camps) is amended to make it clear that it applies to the exclusion of other regulations—regulation 6.

Drafting amendments are made by regulation 5 to regulation 8 of the principal Regulations (school pupils resident in hospital).