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STATUTORY INSTRUMENTS

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**1995 No. 2089**

**EDUCATION, ENGLAND AND WALES**

**The Education (Pupil Registration) Regulations 1995**

*Made* - - - - - *7th August 1995*  
*Laid before Parliament* *9th August 1995*  
*Coming into force* - - - *1st September 1995*

In exercise of the powers conferred by section 80 of the Education Act 1944(1), section 4(6) of the Education (Miscellaneous Provisions) Act 1948(2) and section 218(1)(g) of the Education Reform Act 1988(3), the Secretary of State for Education and Employment, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Education (Pupil Registration) Regulations 1995 and shall come into force on 1st September 1995.

**Interpretation**

2. In these Regulations—

“maintained school” means a school maintained by a local education authority, a grant-maintained school and a grant-maintained special school;

“proprietor” in the case of a maintained school means the governing body of the school and otherwise has the meaning assigned to it by section 114 of the Education Act 1944.

**Revocation**

3. The Pupils' Registration Regulations 1956(4) shall be revoked.

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(1) 1944 c. 31; section 80 was amended by section 4(4) and (5) of, and Schedule 2 to, the Education (Miscellaneous Provisions) Act 1948 (c. 40), by paragraph 1(2) of Schedule 1 to the Education Act 1980 (c. 20), by paragraphs 5 and 58 of Schedule 12 to the Education Reform Act 1988 (c. 40) and by paragraph 21 of Schedule 19 to the Education Act 1993 (c. 35); for matters to be prescribed *see* section 114(1) of the 1944 Act. For the transfer of functions to the Secretary of State *see* S.I.1964/490, 1970/1536 and 1978/274.

(2) 1948 c. 40; section 4 has been amended in a manner not relevant to these Regulations.

(3) 1988 c. 40; section 218 has been amended in a manner not relevant to these Regulations.

(4) S.I. 1956/357.

## **Amendment of the Education (Schools and Further Education) Regulations 1981**

4. Regulations 11 and 12 of the Education (Schools and Further Education) Regulations 1981(5) shall be omitted.

### **Registers to be kept**

5. The proprietor of every school shall cause to be kept—
- (a) an admission register; and
  - (b) except in the case of a school of which all the pupils are boarders, an attendance register.

### **Contents of Admission Register**

6.—(1) The admission register for every school shall contain an index in alphabetical order of all the pupils at the school and shall also contain the following particulars in respect of every such pupil—

- (a) name in full;
- (b) sex;
- (c) the name and address of every person known to the proprietor of the school to be a parent of the pupil and, against the entry on the register of the particulars of any parent with whom the pupil normally resides, an indication of that fact and a note of at least one telephone number at which the parent can be contacted in an emergency;
- (d) day, month and year of birth;
- (e) day, month and year of admission or re-admission to the school; and
- (f) name and address of the school last attended, if any.

(2) In the case of every school which includes boarding pupils a statement as to whether each pupil of compulsory school age is a boarder or a day pupil shall be added to the particulars specified in paragraph (1), and that statement shall be amended accordingly where a registered pupil at the school becomes or ceases to be a boarder at the school.

### **Contents of Attendance Register**

7.—(1) There shall be recorded in the attendance register at the commencement of each morning and afternoon session the following particulars—

- (a) the presence or absence of every pupil whose name is entered in and not deleted from the admission register; and
- (b) in the case of any such pupil of compulsory school age who is absent, a statement whether or not his absence is authorised in accordance with paragraph (3):

but this paragraph does not apply in respect of a pupil who is a boarder.

- (2) For the purposes of this regulation only a pupil is of compulsory school age unless—
- (a) he has not attained the age of five years before the commencement of the term of which the session forms part; or
  - (b) he has attained the age of sixteen years before 1st September in the school year of which the session forms part.

(3) In the case of a pupil who is not a boarder, his absence shall be treated as authorised for the purposes of this regulation if—

- (a) he has been granted leave of absence in accordance with regulation 8;
- (b) he is unable to attend—
  - (i) by reason of sickness or any unavoidable cause;
  - (ii) on a day exclusively set apart for religious observance by the religious body to which his parent belongs; or
  - (iii) because the school is not within walking distance of the pupil's home, and no suitable arrangements have been made by the local education authority either for his transport to and from the school, or for boarding accommodation for him at or near the school or for enabling him to become a registered pupil at a school nearer to his home; or
- (c) in the case of a pupil who is registered as a pupil at more than one school in accordance with regulation 10, because he is attending another school at which he is a registered pupil.

(4) Where the reason for a pupil's absence cannot be established at the commencement of a session, that absence shall be recorded as unauthorised and any subsequent correction to the register recording that absence as authorised shall be made in accordance with regulation 14 and as soon as practicable after the reason for the absence is established by the person with responsibility for completing the register.

(5) The name of a pupil may only be deleted from the attendance register when that pupil's name has been deleted from the admission register for that school in accordance with regulation 9.

(6) For the purposes of this regulation "walking distance" has the meaning given to that expression in section 199(5) of the Education Act 1993(6).

### **Leave of absence**

**8.—(1)** Leave of absence may only be granted by a person authorised in that behalf by the proprietor of the school.

(2) Leave of absence shall not be granted to enable a pupil to undertake employment (whether paid or unpaid) during school hours except—

- (a) employment in pursuance of arrangements made or approved under the Education (Work Experience) Act 1973(7);
- (b) employment for the purpose of taking part in a performance within the meaning of section 37 of the Children and Young Persons Act 1963(8) under the authority of a licence granted by the local authority under that section; or
- (c) employment abroad for a purpose mentioned in section 25 of the Children and Young Persons Act 1933(9) where a licence has been granted under that section by a police magistrate as defined in paragraph (9) of that section.

(3) Subject to paragraph (4), on application made by a parent with whom the pupil normally resides, a pupil may be granted leave of absence from the school to enable him to go away on holiday.

(4) Save in exceptional circumstances, a pupil shall not in pursuance of paragraph (3) be granted more than ten school days leave of absence in any school year.

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(6) 1993 c. 35.

(7) 1973 c. 23. The Act was amended by Part I of Schedule 12 to the Education Reform Act 1988(c. 40), section 307(1) of, and paragraph 54(a) of Schedule 19 to, the Education Act 1993(c. 35) and section 14 of the Employment Act 1990(c. 38).

(8) 1963 c. 37; section 37 was amended by section 203(1) of, and paragraph 6 of Schedule 20 to, the Broadcasting Act 1990 (c. 42).

(9) 1933 c. 12; section 25 was amended by section 64(1) and (3) of, paragraph 7 of Schedule 3 to, and Schedule 5 to, the Children and Young Persons Act 1963 (c. 37), by section 10(2) of, and paragraph 6 of Schedule 3 to, the Employment Act 1989 (c. 38), and by section 108(5) of, and paragraphs 2 and 3 of Schedule 13 to, the Children Act 1989 (c. 41).

### **Deletions from Admission Register**

9.—(1) The following are prescribed as the grounds on which the name of a pupil of compulsory school age shall 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 education authority for that named in the order or the order is revoked by the local education authority on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude otherwise than at school;
- (b) except as provided in regulation 10, in a case not falling within sub-paragraph (a) of this paragraph, that he has been registered as a pupil of another school;
- (c) in a case not falling within sub-paragraph (a) of this paragraph, that he 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;
- (d) except in the case of a boarder, that he has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which he is registered;
- (e) in the case of a pupil granted leave of absence exceeding ten school days for the purpose of a holiday in accordance with regulation 8(3), that 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, and the proprietor is not satisfied that the pupil is unable to attend the school by reason of sickness or any unavoidable cause;
- (f) that he 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;
- (g) that he has been continuously absent from school for a period of not less than four weeks and both the proprietor of the school and the local education authority have failed, after reasonable enquiry, to locate the pupil;
- (h) that the pupil has died;
- (i) that he will cease to be of compulsory school age before the school next meets and intends to cease to attend the school;
- (j) in the case of a pupil at a school other than a maintained school, that he has ceased to be a pupil of the school;
- (k) where the pupil is registered at a maintained school, that he has been permanently excluded from the school; or
- (l) where the pupil has been admitted to the school to receive nursery education, he has not on completing such education transferred to a reception class at the school.

(2) In a case not covered by paragraph (1)(a), (h) or (k), or regulation 10, the name of a child who has under arrangements made by a local education authority become a registered pupil at a special school shall 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 Secretary of State.

(3) The following are prescribed as the grounds on which the name of a pupil not of compulsory school age is to be deleted from the admission register—

- (a) that he has ceased to attend the school, or, in the case of a boarder, that he has ceased to be a pupil of the school;
- (b) that he has been continuously absent from the school for a period of not less than four weeks and 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 has not on completing such education transferred to a reception class at the school; or
  - (e) where the pupil is registered at a maintained school, that he has been permanently excluded from the school.
- (4) For the purposes of this regulation—
- (a) a pupil shall 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 were placed on admission in a nursery class; and
  - (d) the permanent exclusion of a pupil does not take effect until—
    - (i) any review under the articles of government for the school of the decision to exclude him has been completed, and
    - (ii) any time for appealing under section 26 of the Education (No. 2) Act 1986<sup>(10)</sup> or those articles has expired without such an appeal being made, such an appeal has been finally concluded or the parents have given notice in writing that they do not intend to appeal.

### Dual registration

**10.**—(1) Where a pupil is registered as a pupil at a pupil referral unit and at a school other than a pupil referral unit, the name of that pupil shall not be removed from the admission register of either the unit or the school pursuant to regulation 9(1)(b) without the consent of both the local education authority by which the unit is maintained and the proprietor of the school.

- (2) Subject to paragraph (3) where a pupil—
- (a) is registered as a pupil at a special school (including a special school established in a hospital) and at another school (other than a pupil referral unit), and
  - (b) there is not maintained for that pupil a statement of special educational needs specifying the name of the special school only,

the name of that pupil shall not be removed from the admission register of either school pursuant to regulation 9(1)(b) without the consent of the proprietor of both schools.

(3) Where a pupil is registered as a pupil at a special school established in a hospital and at another special school the name of that pupil shall not be removed from the admission register of either school pursuant to regulation 9(1)(b) without the consent of the proprietor of both schools.

(4) The requirements to obtain consent in paragraphs (1) to (3) do not apply in cases covered by regulation 9(1)(h) and (k).

### Inspection of registers

**11.**—(1) The admission register and the attendance register of every school shall be available for inspection during school hours by—

- (a) any of Her Majesty’s Inspectors of Schools appointed under section 1(2) or 5(2) of the Education (Schools) Act 1992<sup>(11)</sup>;

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<sup>(10)</sup> 1986 c. 61.

<sup>(11)</sup> 1992 c. 38.

- (b) any inspector registered under section 10 of that Act; and
- (c) in the case of a school maintained by a local education authority, any officer of the local education authority authorised for the purpose.

### **Extracts from registers**

**12.** The persons authorised by regulation 11 to inspect the admission register and attendance register of any school shall be permitted to make extracts from those registers for the purposes of the Education Acts 1944 to 1994.

### **Returns**

**13.—**(1) Subject to paragraph (2), the proprietor of every school shall make, in the case of a school maintained by a local education authority to that authority, and in every other case to the local education authority for the area in which the school is situated, at such intervals as may be agreed between the proprietor and the local education authority, or as may be determined by the Secretary of State in default of agreement, a return giving the full name and address of every registered pupil of compulsory school age who—

- (a) fails to attend the school regularly; or
- (b) has been absent from the school for a continuous period of not less than ten school days, and specifying the cause of absence if known to the proprietor.

(2) Paragraph (1) shall not apply with respect to any absence from the school—

- (a) due to sickness of the pupil in respect of which a medical certificate has been furnished to the head teacher,
- (b) due to leave of absence granted by a person authorised in that behalf by the proprietor of the school in accordance with regulation 8, and
- (c) of a pupil who is registered at more than one school in accordance with regulation 10, due to the pupil attending another school at which he is a registered pupil.

(3) When the name of a pupil has been deleted from the admission register in accordance with regulation 9(1)(c) the proprietor shall make a return to the local education authority giving the full name and address of that pupil within the ten school days immediately following the date on which the pupil's name was so deleted.

### **Method of making entries**

**14.** Every entry in an admission register or attendance register shall be written in ink and any correction shall be made in such a manner that the original entry and the correction are both clearly distinguishable.

### **Preservation of registers**

**15.** Every entry in an admission register or attendance register shall be preserved for a period of three years after the date on which the entry was made.

### **Use of computers**

**16.—**(1) Nothing in these Regulations shall be taken to prevent the keeping of an admission register or an attendance register by means of a computer, but where such a register is so kept the following paragraphs of this regulation shall apply for the purpose of modifying the requirements of these Regulations.

(2) The requirements of regulation 5 shall not be treated as satisfied unless a print is made of the attendance register not less than once a month and of the admission register not less than once a year.

(3) The requirements of regulation 14 shall not be treated as satisfied unless, where any correction to an original entry in the registers is made, prints of the register in question made after the correction distinguish clearly between the original entry and the correction.

(4) The requirements of regulation 15 shall not be treated as satisfied, in the case of an attendance register, unless each print of the attendance register relating to a particular school year is retained in a single volume for that year and that volume is retained for a period of three years after the end of that school year.

(5) A print of a register produced by means of a computer shall for the purposes of regulation 14 be taken to be made in ink.

(6) The provisions of this regulation are without prejudice to the requirements of the Data Protection Act 1984.(12)

31st July 1995

*Robin Squire*  
Parliamentary Under-Secretary of State,  
Department for Education and Employment

7th August 1995

*William Hague*  
Secretary of State for Wales

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## EXPLANATORY NOTE

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

These Regulations consolidate, with amendments, the Pupils' Registration Regulations 1956, to which there have been a number of subsequent amendments, and regulations 11 and 12 of the Education (Schools and Further Education) Regulations 1981. The 1956 Regulations and regulations 11 and 12 of the 1981 Regulations are revoked. Apart from minor drafting amendments, the following changes of substance are made.

Where the reason for a pupil's absence cannot be established at the commencement of a session, that absence is to be recorded as unauthorised until the person with responsibility for completing the register has ascertained that the absence was authorised and has amended the register accordingly (*regulation 7(4)*).

The name of a pupil may only be deleted from the attendance register when that pupil's name has been deleted from the admission register in accordance with regulation 9 (*regulation 7(5)*).

Where a pupil of compulsory school age has been granted extended leave of absence for the purposes of a holiday and fails to return to the school within ten school days of the expiry of that grant of leave, and the proprietor is satisfied that the failure to return is not due to sickness or any unavoidable cause, that pupil's name shall be deleted from the admission register (*regulation 9(1)(e)*).

Where a pupil has been continuously absent from school for a period of four weeks his name may not be deleted from the admission register until both the school and the local education authority have failed, after reasonable enquiry, to locate the pupil (*regulation 9(1)(g)*).

Where the proprietor has been notified by a parent that a pupil is receiving education otherwise than at school, and has deleted that pupil's name from the register in accordance with regulation 9(1)(c), a return must be made to the local education authority within the ten school days immediately following that deletion (*regulation 13(3)*).