

SCHEDULES

SCHEDULE 16

Section 37

TEMPORARY CLOSURE OF EDUCATIONAL INSTITUTIONS AND CHILDCARE PREMISES

PART 1

ENGLAND AND WALES

Schools, 16 to 19 Academies, further and higher education providers

- 1 (1) The Secretary of State may give a temporary closure direction that applies to—
- (a) one or more named educational institutions in England;
 - (b) all educational institutions in England (or any part of England);
 - (c) educational institutions in England (or any part of England) of a particular description.
- (2) The Welsh Ministers may give a temporary closure direction that applies to—
- (a) one or more named educational institutions in Wales;
 - (b) all educational institutions in Wales (or any part of Wales);
 - (c) educational institutions in Wales (or any part of Wales) of a particular description.
- (3) A temporary closure direction under this paragraph is a direction that requires the responsible body of an educational institution to which it applies to take reasonable steps to secure that persons do not, for a specified period, attend premises of the institution.
- (4) Before giving a direction under this paragraph, the Secretary of State—
- (a) must have regard to any advice from the Chief Medical Officer or one of the Deputy Chief Medical Officers of the Department of Health and Social Care relating to the incidence or transmission of coronavirus, and
 - (b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.
- (5) Before giving a direction under this paragraph, the Welsh Ministers—
- (a) must have regard to any advice from the Chief Medical Officer for Wales or one of the Deputy Chief Medical Officers for Wales relating to the incidence or transmission of coronavirus, and
 - (b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.
- (6) A temporary closure direction under this paragraph may—
- (a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the appropriate authority considers reasonable, in relation to any of the matters mentioned in the following paragraphs;

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- (b) relate to attendance of persons generally, or to attendance by specified persons;
 - (c) relate to premises generally, or to specified premises or parts of premises;
 - (d) relate to attendance generally, or to attendance for specified purposes;
 - (e) otherwise make different provision for different purposes, or be framed by reference to whatever matters the appropriate authority considers appropriate;
 - (f) make transitional, transitory or saving provision;
 - (g) make such other provision as the appropriate authority considers appropriate in connection with the giving of the direction.
- (7) Where a temporary closure direction under this paragraph applies to an educational institution in England—
- (a) any FE funding agreement in respect of that institution has effect, or
 - (b) any Academy arrangements in respect of that institution or its responsible body have effect,
- subject to any modifications necessary to enable the direction to be complied with.
- (8) The duty of a responsible body to which a temporary closure direction is given under this paragraph to comply with the direction is enforceable against that body by the appropriate authority making an application to the High Court or the county court for an injunction.
- (9) An application made under sub-paragraph (8) may be made without notice being given to the responsible body.
- (10) In this paragraph—
- “appropriate authority” means the Secretary of State (in relation to a temporary closure direction given under sub-paragraph (1)) or the Welsh Ministers (in relation to a temporary closure direction given under sub-paragraph (2));
 - “premises”, in relation to an educational institution, means—
 - (a) any premises which persons normally attend in order to receive services provided by the institution, and
 - (b) any other premises to the extent that those premises are being used by the institution for examinations or assessments of—
 - (i) regulated qualifications within the meaning of section 130 of the Apprenticeships, Skills and Learning Act 2009, in relation to England, or
 - (ii) qualifications regulated by Qualifications Wales, in relation to Wales.
 - “school” has the same meaning as in the Education Act 1996 (see section 4 of that Act);
 - “specified” means specified, or falling within a description specified, in a temporary closure direction under this paragraph.
- (11) In this paragraph, in relation to England—
- “Academy arrangements” has the meaning given by section 1(2) of the Academies Act 2010;
 - “educational institution” means—
 - (a) a school;

- (b) a 16 to 19 Academy, within the meaning of section 1B of the Academies Act 2010;
- (c) an institution within the further education sector, within the meaning of section 91(3) of the Further and Higher Education Act 1992;
- (d) a provider of post-16 education or training—
 - (i) to which Chapter 3 of Part 8 of the Education and Inspections Act 2006 applies, and
 - (ii) in respect of which funding is provided by, or under, arrangements made by the Secretary of State, a local authority or a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,

but does not include an employer who is a provider by reason only of the employer providing such education or training to its employees;

- (e) a higher education provider within the meaning of section 83(1) of the Higher Education and Research Act 2017;
- (f) a provider of higher education within the meaning of section 83(1) of the Higher Education and Research Act 2017 which is not an institution (within the meaning of that section) whether or not it is designated under section 84 of that Act;

“FE funding agreement” means an agreement, in respect of education or training to which Chapter 3 of Part 8 of the Education and Inspections Act 2006 applies, that is entered into between—

- (a) the Secretary of State, a local authority or a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009, and
- (b) an educational institution,

but does not include an agreement that is Academy arrangements;

“local authority” has the same meaning as in section 579(1) of the Education Act 1996;

“responsible body” means—

- (a) in relation to a school or a 16 to 19 Academy, the proprietor, within the meaning of section 579(1) of the Education Act 1996;
- (b) in relation to an institution within the further education sector, the governing body within the meaning of section 90(1) of the Further and Higher Education Act 1992;
- (c) in relation to a provider of post-16 education or training, the person with legal responsibility and accountability for the provider;
- (d) in relation to a higher education provider within the meaning of section 83(1) of the Higher Education and Research Act 2017 or a provider of higher education designated under section 84 of that Act, the governing body within the meaning of section 85(1) of that Act;
- (e) in relation to any other provider of higher education not mentioned in paragraph (d), any person responsible for the management of the provider.

(12) In this paragraph, in relation to Wales—

“educational institution” means—

- (a) a school;

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- (b) an institution within the further education sector, within the meaning of section 91(3) of the Further and Higher Education Act 1992;
- (c) an institution within the higher education sector within the meaning of section 91(5) of that Act;
- (d) a provider of education or training within the meaning of section 31(1) (a) or (b) or 32(1)(a) or (b) of the Learning and Skills Act 2000 that—
 - (i) is not an institution within the meaning of paragraph (b) or (c), and
 - (ii) is in receipt of funding for provision of that education or training from the Welsh Ministers or a local authority,
 but does not include an employer who is a provider by reason only of the employer providing such education or training to its employees;
- (e) a provider of a course of education within the meaning of Schedule 6 to the Education Reform Act 1988 that is not an institution within the meaning of paragraph (b) or (c).

“local authority” means a county council in Wales or a county borough council;

“responsible body” means—

- (a) in relation to a school, the proprietor, within the meaning of section 579(1) of the Education Act 1996;
- (b) in relation to an institution within the meaning of paragraph (b) or (c) of the definition of “educational institution”, the governing body within the meaning of section 90(1) of the Further and Higher Education Act 1992;
- (c) in relation to a provider within paragraph (d) or (e) of that definition, the person with legal responsibility and accountability for the provider.

Registered childcare providers

- 2 (1) The Secretary of State may give a temporary closure direction that applies to—
- (a) one or more named registered childcare providers in England;
 - (b) all registered childcare providers in England (or any part of England);
 - (c) registered childcare providers in England (or any part of England) of a particular description.
- (2) The Welsh Ministers may give a temporary closure direction that applies to—
- (a) one or more named registered childcare providers in Wales;
 - (b) all registered childcare providers in Wales (or any part of Wales);
 - (c) registered childcare providers in Wales (or any part of Wales) of a particular description.
- (3) A temporary closure direction under this paragraph is a direction that requires a registered childcare provider to which it applies to take reasonable steps to secure that persons do not, for a specified period, attend premises of the provider for purposes connected with the provision of childcare.
- (4) Before giving a direction under this paragraph, the Secretary of State—
- (a) must have regard to any advice from the Chief Medical Officer or one of the Deputy Chief Medical Officers of the Department of Health and Social Care relating to the incidence or transmission of coronavirus, and

- (b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.
- (5) Before giving a direction under this paragraph, the Welsh Ministers—
- (a) must have regard to any advice from the Chief Medical Officer for Wales or one of the Deputy Chief Medical Officers for Wales relating to the incidence or transmission of coronavirus, and
 - (b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.
- (6) A temporary closure direction under this paragraph may—
- (a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the appropriate authority considers reasonable, in relation to any of the matters mentioned in the following paragraphs;
 - (b) relate to attendance of persons generally, or to attendance by specified persons;
 - (c) relate to premises generally, or to specified premises or parts of premises;
 - (d) relate to attendance for purposes connected with the provision of childcare generally, or to attendance for specified purposes;
 - (e) otherwise make different provision for different purposes, or be framed by reference to whatever matters the appropriate authority considers appropriate;
 - (f) make transitional, transitory or saving provision;
 - (g) make such other provision as the appropriate authority considers appropriate in connection with the giving of the direction.
- (7) The duty of a registered childcare provider to which a temporary closure direction has been given under this paragraph to comply with the direction is enforceable against that provider by the appropriate authority making an application to the High Court or the county court for an injunction.
- (8) An application made under sub-paragraph (7) may be made without notice being given to the registered childcare provider.
- (9) In this paragraph—
- “appropriate authority” means the Secretary of State (in relation to a temporary closure direction given under sub-paragraph (1)) or the Welsh Ministers (in relation to a temporary closure direction given under sub-paragraph (2));
 - “childcare”—
 - (a) in relation to England, has the same meaning as in section 18 of the Childcare Act 2006;
 - (b) in relation to Wales, means anything which amounts to child minding or day care for children for the purposes of Part 2 of the [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#) (see section 19(2) to (4) of that Measure);
 - “premises”—
 - (a) in relation to a registered childcare provider in England, means premises in respect of which that provider is registered under Part 3 of the Childcare Act 2006;
 - (b) in relation to a registered childcare provider in Wales—

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- (i) if the provider is registered under Part 2 of the Children and Families (Wales) Measure 2010 as a child minder, means premises on which child minding is provided by the provider (and “child minding” is for this purpose to be read in accordance with paragraph (b) of the definition of “childcare” above);
- (ii) if the provider is registered under Part 2 of that Measure as a provider of day care for children, means premises on which day care is provided by the provider (and “day care” is for this purpose to be read in accordance with paragraph (b) of the definition of “childcare” above);

“registered childcare provider” means—

- (a) in relation to England, a person who provides childcare and is registered under Part 3 of the Childcare Act 2006;
- (b) in relation to Wales, a person who provides childcare and is registered under Part 2 of the Children and Families (Wales) Measure 2010;

“specified” means specified, or falling within a description specified, in a temporary closure direction under this paragraph.

Effect of temporary closure directions on other provisions

- 3 (1) In relation to a period during which a temporary closure direction under paragraph 1 has effect in relation to a school—
- (a) the duty under section 19(1) of the Education Act 1996 (duty of local authorities to arrange for exceptional provision of education) does not apply to the extent that the potential failure of any child to receive suitable education is attributable to the direction;
 - (b) the duties of parents and local authorities in respect of school attendance orders under sections 437 to 443 of the Education Act 1996 do not apply to the extent that any failure to comply with those duties is attributable to the direction;
 - (c) any failure of a child to attend the school is to be disregarded for the purposes of section 444 of the Education Act 1996 (offence of failing to secure regular attendance at school of a registered pupil) to the extent that the failure is attributable to the direction.
- (2) In relation to a period during which a temporary closure direction has effect in relation to a registered childcare provider—
- (a) there is no breach of either of the following duties to the extent that a failure to satisfy the terms of the duty is attributable to the direction—
 - (i) the duty of a local authority in England under section 7 of the Childcare Act 2006 (duty to secure early years provision free of charge in accordance with regulations);
 - (ii) the duty of the Secretary of State under section 1 of the Childcare Act 2016 (duty to secure 30 hours free childcare for working parents of children in England);
 - (b) the Chief Inspector must, in exercising functions under Part 3 of the Childcare Act 2006, take account of the direction in dealing with any allegation that a registered childcare provider to which the direction applies has failed to meet any of the requirements specified under section 39(1)(a) or (b) of that Act (learning, development and welfare requirements).

- (3) In relation to a period during which a temporary closure direction has effect under paragraph 2(2)—
- (a) there is no breach of either of the following duties to the extent that a failure to satisfy the terms of the duty is attributable to the direction—
 - (i) the duty of a local authority in Wales under section 118 of the School Standards and Framework Act 1998 (duty to secure sufficient provision of nursery education);
 - (ii) the duty of the Welsh Ministers under section 1(1) of the [Childcare Funding \(Wales\) Act 2019 \(anaw 1\)](#) (duty of Welsh Ministers to provide funding for childcare of working parents);
 - (b) the Welsh Ministers must, in exercising functions under Part 2 of the Children and Families (Wales) Measure 2010, take account of the direction in dealing with any allegation—
 - (i) which relates to a registered childcare provider to which the direction applies, and
 - (ii) to which regulations under section 30(3) of that Measure (allegations of failure to meet prescribed childcare standards) apply.
- (4) In this paragraph—
- “the Chief Inspector” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;
- “school” has the same meaning as in paragraph 1;
- “registered childcare provider” has the same meaning as in paragraph 2.

Authorisations

- 4 (1) The Secretary of State may—
- (a) authorise a local authority to exercise any of the Secretary of State’s functions under paragraph 1 or 2 in relation to one or more of the following—
 - (i) a registered childcare provider in the local authority’s area;
 - (ii) a school in its area;
 - (iii) a 16 to 19 Academy, within the meaning of section 1B of the Academies Act 2010, in its area;
 - (b) authorise the Office for Students to exercise any of the Secretary of State’s functions under paragraph 1 in relation to one or more registered higher education providers within the meaning of section 3(10)(a) of the Higher Education and Research Act 2017.
- (2) The Welsh Ministers may—
- (a) authorise a local authority to exercise any of the Welsh Ministers’ functions under paragraph 1 or 2 in relation to one or more of the following—
 - (i) a registered childcare provider in the local authority’s area;
 - (ii) a school in its area;
 - (b) authorise the Higher Education Funding Council for Wales to exercise any of the Welsh Ministers’ functions under paragraph 1 in relation to one or more of the following—
 - (i) an institution within the higher education sector, within the meaning of section 91(5) of the Further and Higher Education Act 1992;

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- (ii) a provider of a course of education within the meaning of Schedule 6 to the Education Reform Act 1988 that is not an institution within the meaning of sub-paragraph (i).
- (3) An authorisation granted under this paragraph may be subject to the fulfilment of such terms and conditions as are specified in the authorisation.
- (4) In this paragraph—
 - (a) in relation to England, “local authority” has the same meaning as in section 579(1) of the Education Act 1996, and
 - (b) in relation to Wales, “local authority” means a county council in Wales or a county borough council.

Publication, duration and guidance

- 5 (1) Subject to sub-paragraph (2), the appropriate authority must publish a temporary closure direction under paragraph 1 or 2.
- (2) Where a direction relates to a person specified by name—
- (a) the appropriate authority must give a copy of the direction to that person, and
 - (b) the published version of the direction must not identify any individual without their consent.
- (3) A temporary closure direction under paragraph 1 or 2 has effect until the earlier of—
- (a) the end of the period specified under paragraph 1(3) or 2(3), or
 - (b) the revocation of the direction by a further direction given by the appropriate authority under the same paragraph.
- (4) A person to whom a temporary closure direction under paragraph 1 or 2 is given must have regard to any guidance given by the appropriate authority about how to comply with a direction given by that authority under that paragraph.
- (5) In this paragraph, subject to sub-paragraph (6), “appropriate authority” means—
- (a) the Secretary of State (in relation to a direction given under paragraph 1(1), or 2(1)),
 - (b) the Welsh Ministers (in relation to a direction given under paragraph 1(2) or 2(2)).
- (6) Where a person gives a direction by virtue of an authorisation under paragraph 4, “the appropriate authority”—
- (a) in sub-paragraphs (1), (2) and (4) means that person, and
 - (b) in sub-paragraph (3)(b), includes that person.

PART 2

SCOTLAND

Interpretation

- 6 In this Part of this Schedule—
- “the 1980 Act” means the Education (Scotland) Act 1980;

“the 2005 Act” means the Further and Higher Education (Scotland) Act 2005 (asp 5);

“early learning and childcare” has the meaning given by section 46 of the Children and Young People (Scotland) Act 2014 (asp 8);

“education” includes early learning and childcare, school education, further education and higher education;

“education authority”, “grant-aided school”, “independent school”, “public school”, “school” and “school education” have the meanings given by section 135(1) of the 1980 Act;

“educational establishment” means—

- (a) a school;
- (b) an education and training establishment approved by the Scottish Qualifications Authority under section 2 of the Education (Scotland) Act 1996 as suitable for presenting persons for SQA qualifications;
- (c) a further education institution;
- (d) a higher education institution,

and is also to be construed in accordance with paragraph 8(6) to (8);

“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

“further education” has the meaning given by section 6 of the Further and Higher Education (Scotland) Act 1992;

“further education institution” means—

- (a) a body listed under the heading “Institutions formerly eligible for funding by the Scottish Further Education Funding Council” or under the heading “Other institutions” in Schedule 2 to the 2005 Act;
- (b) a college of further education which is assigned to a regional strategic body by an order made under section 7C(1) of the 2005 Act;

“higher education” has the meaning given by section 38 of the Further and Higher Education (Scotland) Act 1992;

“higher education institution” means—

- (a) a body listed under the heading “Institutions formerly eligible for funding by the Scottish Higher Education Funding Council” or under the heading “Other institutions” in Schedule 2 to the 2005 Act;
- (b) a person who provides a course of higher education designated by the Scottish Ministers under regulation 4(9) of the Education (Student Loans) (Scotland) Regulations 2007 (S.S.I. 2007/154) for the purposes of regulation 3(2) of those Regulations;

“managers”, in relation to a grant-aided school, has the meaning given by section 135(1) of the 1980 Act;

“out of school care” means any form of care provided—

- (a) outside school hours;
- (b) during school holidays;

to children who are in attendance at a school;

“proprietor”, in relation to an independent school, has the meaning given by section 135(1) of the 1980 Act.

Duty to have regard to public health advice

- 7 (1) A relevant authority must have regard to any advice relating to the incidence or transmission of coronavirus from the Chief Medical Officer of the Scottish Administration or such other person as may be designated for the purposes of this paragraph by the Scottish Ministers.
- (2) Before giving a direction under paragraph 8, 10 or 11, the Scottish Ministers—
- (a) must have regard to any such advice, and
 - (b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.
- (3) In this paragraph—
- “relevant authority” means—
- (a) a relevant operator of an educational establishment;
 - (b) a relevant manager of school boarding accommodation (within the meaning given by paragraph 10(5));
 - (c) a relevant manager of student accommodation (within the meaning given by paragraph 11(5));
- “relevant operator”, in relation to an educational establishment, is to be construed in accordance with paragraph 8(6) to (8).

Closure of schools etc and further and higher education institutions

- 8 (1) The Scottish Ministers may give a direction under this paragraph (an “educational closure direction”) that applies to—
- (a) the relevant operator of one or more named educational establishments in Scotland;
 - (b) the relevant operators of all educational establishments in Scotland (or any part of Scotland);
 - (c) the relevant operators of a particular description of educational establishment in Scotland (or any part of Scotland).
- (2) An educational closure direction is a direction that requires a relevant operator of an educational establishment to take reasonable steps to restrict access to the establishment for a specified period.
- (3) An educational closure direction may provide that any failure to comply with a duty or time limit imposed under any enactment or rule of law relating to education is to be disregarded to the extent that it would be attributable to the direction.
- (4) An educational closure direction may—
- (a) require the taking of actions in general terms, or require the taking of particular actions, that the Scottish Ministers consider reasonable;
 - (b) make different provision for different purposes (for example, for different descriptions of people attending an educational establishment);
 - (c) prohibit access in respect of the whole or a specified part of an educational establishment or of relevant premises;
 - (d) prohibit access in respect of the carrying on of all activities or in respect of the carrying on of specified activities;
 - (e) be framed by reference to whatever matters the Scottish Ministers consider appropriate;

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- (f) make transitional, transitory or saving provision;
- (g) make such other provision as the Scottish Ministers consider appropriate in connection with the giving of the direction.

(5) In this paragraph—

“relevant premises”, means any premises (other than residential accommodation) which people attend in order to receive services provided by or on behalf of the relevant operator of an educational establishment there (but see also sub-paragraphs (8) and (9));

“specified” means specified, or falling within a description specified, in a direction under this paragraph.

(6) In this paragraph, “relevant operator”—

(a) in relation to a school, means—

(i) where the school is a public school, the education authority by which it is managed;

(ii) where the school is an independent school, the proprietor;

(iii) where the school is a grant-aided school, the managers,

(but see also sub-paragraphs (7) and (8));

(b) in relation to a further education institution or a higher education institution, means the governing body of the institution (within the meaning of section 35(2) of the 2005 Act).

(7) Where out of school care is provided by a person in a school, “relevant operator” also includes such a person.

(8) Where school education, early learning and childcare or out of school care is provided by a person in premises other than a school—

(a) “relevant operator” also includes such a person, and

(b) references to “educational establishment” in this paragraph are to be read as if they were references to such premises.

(9) Where early learning and childcare or out of school care is provided by a person acting as a child minder (within the meaning of paragraph 12 of schedule 12 of the [Public Services Reform \(Scotland\) Act 2010](#) ([asp 8](#)) in premises used mainly as a private dwelling, an educational closure direction may only apply to the part of the premises in which such care is provided.

Effect of educational closure direction on other provisions

9 (1) Where an educational closure direction has effect in relation to a school—

(a) any failure by an education authority to discharge any of the duties under the following sections of the 1980 Act is to be disregarded to the extent that the failure is attributable to the direction—

(i) section 1(1) (provision of education);

(ii) section 14 (education for children unable to attend school etc);

(iii) section 53(2) (provision of free school lunches);

(b) the duty under section 30(1) of the 1980 Act (duty of parents to provide education for their children) does not apply in respect of a child who is a pupil at the school but who is, as a result of the direction, unable to be in regular attendance at the school;

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- (c) any failure of a child to attend the school is to be disregarded for the purposes of section 35 of the 1980 Act (failure of parents to secure regular attendance of child at school) to the extent that the failure is attributable to the direction.
- (2) Any failure by an education authority to discharge the duty under section 4(1) of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) (provision for additional support needs) is to be disregarded to the extent that the failure is attributable to an educational closure direction.
- (3) Any failure by an education authority to discharge the duty under section 47(1) of the Children and Young People (Scotland) Act 2014 (duty to secure provision of early learning and childcare) is to be disregarded to the extent that the failure is attributable to an educational closure direction.
- (4) Where early learning and childcare is provided by a person in premises other than a school, references to “school” in sub-paragraph (1) are to be read as if they were references to premises in which such early learning and childcare is provided.

School boarding accommodation

- 10 (1) The Scottish Ministers may give a direction under this paragraph (a “boarding accommodation closure direction”) that applies to—
- (a) the relevant manager of one or more named school boarding establishments in Scotland;
 - (b) the relevant managers of all school boarding establishments in Scotland (or any part of Scotland);
 - (c) the relevant managers of a particular description of school boarding establishment in Scotland (or any part of Scotland).
- (2) A boarding accommodation closure direction is a direction that—
- (a) requires a relevant manager of a school boarding establishment to take reasonable steps to restrict access to the establishment for a specified period, or
 - (b) provides for pupils for whom school boarding accommodation is provided to be confined in their school boarding accommodation for a specified period.
- (3) A boarding accommodation closure direction may provide that any failure to comply with a duty or time limit imposed under any enactment or rule of law relating to education is to be disregarded to the extent that it would be attributable to the direction.
- (4) A boarding accommodation closure direction may—
- (a) require the taking of actions in general terms, or require the taking of particular actions, that the Scottish Ministers consider reasonable;
 - (b) make different provision for different purposes (for example, for different descriptions of people for whom school boarding accommodation is provided);
 - (c) prohibit access in respect of the whole or a specified part of premises in which school boarding accommodation is provided;
 - (d) prohibit access in respect of the carrying on of all activities or in respect of the carrying on of specified activities;
 - (e) be framed by reference to whatever matters the Scottish Ministers consider appropriate;

- (f) make transitional, transitory or saving provision;
- (g) make such other provision as the Scottish Ministers consider appropriate in connection with the giving of the direction.

(5) In this paragraph—

“pupil” has the meaning given by section 135(1) of the 1980 Act;

“relevant manager”, in relation to school boarding accommodation, means a person having responsibility for the management of the accommodation;

“school boarding accommodation”, in relation to a pupil, means residential accommodation provided to the pupil by a school care accommodation service (within the meaning of paragraph 3 of schedule 12 of the Public Services Reform (Scotland) Act 2010 (asp 8));

“school boarding establishment” means a place where school boarding accommodation is provided;

“specified” means specified, or falling within a description specified, in a direction under this paragraph.

Student accommodation

- 11 (1) The Scottish Ministers may give a direction under this paragraph (a “student accommodation closure direction”) that applies to—
- (a) the relevant manager of one or more named student accommodation premises in Scotland;
 - (b) the relevant managers of all student accommodation premises in Scotland (or any part of Scotland);
 - (c) the relevant managers of a particular description of student accommodation premises in Scotland (or any part of Scotland).
- (2) A student accommodation closure direction is a direction that—
- (a) requires a relevant manager of student accommodation premises to take reasonable steps to restrict access to the premises for a specified period, or
 - (b) provides for persons for whom student accommodation is provided to be confined in their student accommodation for a specified period.
- (3) A student accommodation closure direction may provide that any failure to comply with a duty or time limit imposed under any enactment or rule of law relating to education is to be disregarded to the extent that it would be attributable to the direction.
- (4) A student accommodation closure direction may—
- (a) require the taking of actions in general terms, or require the taking of particular actions, that the Scottish Ministers consider reasonable;
 - (b) make different provision for different purposes (for example, for different descriptions of people for whom student accommodation is provided);
 - (c) prohibit access in respect of the whole or a specified part of student accommodation premises;
 - (d) prohibit access in respect of the carrying on of all activities or in respect of the carrying on of specified activities;
 - (e) be framed by reference to whatever matters the Scottish Ministers consider appropriate;

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- (f) make transitional, transitory or saving provision;
- (g) make such other provision as the Scottish Ministers consider appropriate in connection with the giving of the direction.

(5) In this paragraph—

“relevant manager”, in relation to student accommodation, means a person having responsibility for the management of the accommodation;

“specified” means specified, or falling within a description specified, in a direction under this paragraph;

“student” means a person who is matriculated at a further education institution or a higher education institution;

“student accommodation” means residential accommodation which has been built or converted solely for the purpose of being provided to students;

“student accommodation premises” means a place where student accommodation is provided.

Compliance and enforcement

- 12 (1) A relevant authority must comply with a direction under this Part of this Schedule.
- (2) A relevant authority must have regard to any guidance given by the Scottish Ministers about how to comply with a direction under this Part of this Schedule.
- (3) The duty imposed on a relevant authority to comply with a direction under this Part of this Schedule is enforceable, on an application made by the Scottish Ministers, by interdict or (as the case may be) by specific implement.
- (4) An application made under sub-paragraph (3) may be made without notice being given to the relevant authority.
- (5) In this paragraph, “relevant authority” has the meaning given by paragraph 7(3).

Publication and duration of directions

- 13 (1) Subject to sub-paragraph (2), the Scottish Ministers must publish a direction under this Part of this Schedule.
- (2) Where a direction relates to a person specified by name—
- (a) the Scottish Ministers must give a copy of the direction to that person, and
 - (b) the published version of the direction must not identify any individual without their consent.
- (3) A direction under this Part of this Schedule has effect until the earlier of—
- (a) the end of the period specified in the direction, or
 - (b) the revocation of the direction by a further direction given by the Scottish Ministers.
- (4) Where a direction under this Part of this Schedule makes provision mentioned in paragraph 8(3), 10(3) or 11(3), the Scottish Ministers must, so long as it remains in effect, review the direction—
- (a) before the end of the period of 21 days beginning with the date on which the direction was given; and
 - (b) before the end of each subsequent period of 21 days.

PART 3

NORTHERN IRELAND

Schools

- 14 (1) The Department may give a temporary closure direction that applies to—
- (a) one or more named schools in Northern Ireland;
 - (b) all schools in Northern Ireland (or any part of Northern Ireland);
 - (c) schools in Northern Ireland (or any part of Northern Ireland) of a particular description.
- (2) A temporary closure direction under this paragraph is a direction that—
- (a) requires the managers of the school or schools to which it applies to take reasonable steps to secure that persons do not, for a specified period, attend premises of the school for purposes connected with the school, and
 - (b) in the case of a direction that applies to a boarding school (whether or not it applies also to other schools), provides for pupils for whom boarding accommodation is provided to be confined in their boarding accommodation for a specified period.
- (3) Before giving a direction under this paragraph, the Department—
- (a) must have regard to any advice from the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health in Northern Ireland relating to the incidence or transmission of coronavirus, and
 - (b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.
- (4) A temporary closure direction under this paragraph, may—
- (a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the Department considers reasonable, in relation to any of the matters mentioned in the following paragraphs;
 - (b) relate to attendance of persons generally, or to attendance by specified persons;
 - (c) relate to premises generally, or to specified premises or parts of premises;
 - (d) relate to attendance for purposes connected with a school generally, or to attendance for specified purposes;
 - (e) otherwise make different provision for different purposes, or be framed by reference to whatever matters the Department considers appropriate;
 - (f) make transitional, transitory or saving provision;
 - (g) make such other provision as the Department considers appropriate in connection with the giving of the direction.
- (5) Subject to sub-paragraph (6), the Department must publish a temporary closure direction under this paragraph.
- (6) Where a direction relates to a person specified by name—
- (a) the Department must give a copy of the direction to that person, and
 - (b) the published version of the direction must not identify any individual without their consent.
- (7) A temporary closure direction under this paragraph has effect until the earlier of—

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- (a) the end of the period specified under sub-paragraph (2), or
 - (b) the revocation of the direction by a further direction given by the Department under this paragraph.
- (8) The managers of a school to which a temporary closure direction under this paragraph applies must have regard to any guidance given by the Department about how to comply with that direction.
- (9) The duty of the managers of a school to comply with a temporary closure direction under this paragraph is enforceable against those managers by the Department making an application to the High Court or a county court for an injunction.
- (10) An application under sub-paragraph (9) may be made without notice being given to the managers of the school.
- (11) Where a temporary closure direction under this paragraph applies to a school, there is no breach of the following duties to the extent that a failure to satisfy the terms of the duty is attributable to the direction—
- (a) the duty under Article 45(1) of the 1986 Order (duty of parents to secure full-time education of children of compulsory school age by attendance at school or otherwise);
 - (b) the duties under Articles 58 and 59 of the 1986 Order (duties on the Education Authority, the trustees or Board of Governors of a voluntary grammar school and the Board of Governors of a grant-maintained integrated school to provide milk, meals and related facilities);
 - (c) the duty under paragraph 1(4) of Schedule 13 to the 1986 Order (duty of managers of grant-aided school to admit child in accordance with attendance order);
 - (d) the duty under paragraph 3(1) of Schedule 13 to the 1986 Order (duty of parent of registered pupil to secure pupil’s regular attendance at school of registration);
 - (e) the duty under Article 86 of the Education (Northern Ireland) Order 1998 ([S.I. 1998/1759 \(N.I. 13\)](#)) (duty of Education Authority to make arrangements for exceptional provision of education);
 - (f) the duties under regulations 14 and 15 of the Primary Schools (General) Regulations (Northern Ireland) 1973 ([S.R. & O. \(N.I.\) 1973 No.402](#)) and regulations 11 and 12 of the Secondary Schools (Grant Conditions) Regulations (Northern Ireland) 1973 ([S.R. & O. \(N.I.\) 1973 No.403](#)) (terms and days of operation of school and dates of school holidays, etc).
- (12) For the purposes of Article 45(2) of, and paragraphs 1 and 4 of Schedule 13 to, the 1986 Order, a child cannot be taken to have failed to attend regularly at a school where that failure is attributable to a temporary closure direction under this paragraph.
- (13) In this paragraph—
- “the 1986 Order” means the Education and Libraries (Northern Ireland) Order 1986 ([S.I. 1986/594 \(N.I. 3\)](#));
 - “child”, “managers” and “school” have the meaning given in the 1986 Order;
 - “the Department” means the Department of Education in Northern Ireland;

“specified” means specified in a temporary closure direction under this paragraph, or falling within a description specified in a temporary closure direction under this paragraph.

Institutions of further and higher education

- 15 (1) The Department may give a temporary closure direction that applies to—
- (a) one or more named relevant institutions in Northern Ireland;
 - (b) all relevant institutions in Northern Ireland (or any part of Northern Ireland);
 - (c) relevant institutions in Northern Ireland (or any part of Northern Ireland) of a particular description.
- (2) A temporary closure direction under this paragraph is a direction that requires the governing body of a relevant institution to which it applies to take reasonable steps to secure that persons do not, for a specified period, attend premises of the institution for purposes connected with the institution.
- (3) Before giving a direction under this paragraph the Department—
- (a) must have regard to any advice from the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health in Northern Ireland relating to the incidence or transmission of coronavirus, and
 - (b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.
- (4) A temporary closure direction under this paragraph may—
- (a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the Department considers reasonable, in relation to any of the matters mentioned in the following paragraphs;
 - (b) relate to attendance of persons generally, or to attendance by specified persons;
 - (c) relate to premises generally, or to specified premises or parts of premises;
 - (d) relate to attendance for purposes connected with a relevant institution generally, or to attendance for specified purposes;
 - (e) otherwise make different provision for different purposes, or be framed by reference to whatever matters the Department considers appropriate;
 - (f) make transitional, transitory or saving provision;
 - (g) include such other provision as the Department considers appropriate in connection with the giving of the direction.
- (5) Subject to sub-paragraph (6), the Department must publish a temporary closure direction under this paragraph.
- (6) Where a direction relates to a person specified by name—
- (a) the Department must give a copy of the direction to that person, and
 - (b) the published version of the direction must not identify any individual without their consent.
- (7) A temporary closure direction under this paragraph has effect until the earlier of—
- (a) the end of the period specified under sub-paragraph (2), or
 - (b) the revocation of the direction by a further direction given by the Department under this paragraph.

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- (8) The governing body of an institution to which a temporary closure direction under this paragraph applies must have regard to any guidance given by the Department about how to comply with that direction.
- (9) The duty of a governing body of an institution to comply with a temporary closure direction under this paragraph is enforceable against that body by the Department making an application to the High Court or a county court for an injunction.
- (10) An application under sub-paragraph (9) may be made without notice being given to the governing body of the institution.
- (11) In this paragraph—
- “the 1993 Order” means the Education and Libraries (Northern Ireland) Order 1993 (S.I. 1993/2810 (N.I. 12));
 - “the Department” means the Department for the Economy in Northern Ireland;
 - “appropriate person”, in relation to a relevant institution, means—
 - (a) an individual whose name is provided by the institution to the Department for the purposes of this paragraph;
 - (b) if no individual is named under paragraph (a)—
 - (i) in the case of a further education institution or a college of education, the principal;
 - (ii) in the case of a university, the vice-chancellor;
 - (iii) in the case of the Open University, the Director;
 - “governing body”, in relation to a higher education institution, has the same meaning as in Article 30 of the 1993 Order;
 - “premises”, in relation to a relevant institution, means any premises which are regularly attended by persons in order to receive services provided by the institution;
 - “relevant institution” means—
 - (a) a further education institution recognised by the Department under Article 8 of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)), or
 - (b) a higher education institution within the meaning of Article 30 of the 1993 Order;
 - “specified” means specified in a temporary closure direction under this paragraph, or falling within a description specified in a temporary closure direction under this paragraph.

Childcare providers

- 16 (1) The Department may give a temporary closure direction that applies to—
- (a) one or more named persons registered under Article 118 of the 1995 Order (child minders and those who provide day care);
 - (b) all persons registered under that Article in Northern Ireland (or any part of Northern Ireland);
 - (c) persons registered under that Article of a particular description in Northern Ireland (or any part of Northern Ireland).
- (2) A temporary closure direction under this paragraph is a direction that requires any person to whom it applies to take reasonable steps to secure that persons do not, for

a specified period, attend the premises with respect to which the person is registered, for purposes connected with the provision of child minding or day care.

- (3) Before giving a direction under this paragraph, the Department—
 - (a) must have regard to any advice from the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health in Northern Ireland relating to the incidence or transmission of coronavirus, and
 - (b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.
- (4) A temporary closure direction under this paragraph, may—
 - (a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the Department considers reasonable, in relation to any of the matters mentioned in the following paragraphs;
 - (b) relate to attendance of persons generally, or to attendance by specified persons;
 - (c) relate to premises generally, or to specified premises or parts of premises;
 - (d) relate to attendance for purposes connected with the provision of day care or child minding generally, or to attendance for specified purposes;
 - (e) otherwise make different provision for different purposes, or be framed by reference to whatever matters the Department considers appropriate;
 - (f) make transitional, transitory or saving provision;
 - (g) make such other supplementary provision as the Department considers appropriate in connection with the giving of the direction.
- (5) Subject to sub-paragraph (6), the Department must publish a temporary closure direction under this paragraph.
- (6) Where a direction relates to a person specified by name—
 - (a) the Department must give a copy of the direction to that person, and
 - (b) the published version of the direction must not identify any individual without their consent.
- (7) A temporary closure direction under this paragraph has effect until the earlier of—
 - (a) the end of the period specified under sub-paragraph (2), or
 - (b) the revocation of the direction by a further direction given by the Department under this paragraph.
- (8) A person registered under Article 118 of the 1995 Order must have regard to any guidance given by the Department about how to comply with a temporary closure direction under this paragraph.
- (9) The duty of a person registered under Article 118 of the 1995 Order to comply with a direction under this paragraph is enforceable against that person by the Department making an application to the High Court or a county court for an injunction.
- (10) An application under sub-paragraph (9) may be made without notice being given to the registered person.
- (11) There is no breach of a duty under the following Articles to the extent that a failure to satisfy the terms of the duty is attributable to a temporary closure direction under this paragraph—

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- (a) Article 19(2) or (5) of the 1995 Order (duties to provide care or supervised activities for children in need);
- (b) Article 130(4) of the 1995 Order (duty to inspect premises at least once every year).

(12) In this paragraph—

“the 1995 Order” means the Children (Northern Ireland) Order 1995 ([S.I. 1995/755 \(N.I. 2\)](#));

“authority”, “child minding” and “day care” have the same meaning as in the 1995 Order;

“the Department” means the Department of Health in Northern Ireland;

“specified” means specified in a temporary closure direction under this paragraph, or falling within a description specified in a temporary closure direction under this paragraph.