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STATUTORY INSTRUMENTS

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**2004 No. 1377**

**EDUCATION, ENGLAND**

**The Education (Individual Pupil Information) (Prescribed Persons) (England) (Amendment) Regulations 2004**

<i>Made</i>	- - - -	<i>18th May 2004</i>
<i>Laid before Parliament</i>		<i>24th May 2004</i>
<i>Coming into force</i>	- -	<i>1st July 2004</i>

In exercise of the powers conferred on the Secretary of State by sections 537A(4), (5) and (6) and 569(4) of the Education Act 1996<sup>(1)</sup>, the Secretary of State hereby makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Individual Pupil Information) (Prescribed Persons) (England) (Amendment) Regulations 2004 and shall come into force on 1st July 2004.

(2) These Regulations apply to information concerning individual pupils at schools in England only.

**Amendments**

2. The Education (Individual Pupil Information) (Prescribed Persons) Regulations 1999<sup>(2)</sup> shall be amended in accordance with the following provisions of these Regulations.

3. In regulation 1 (Citation, commencement, application and revocation) the phrase “other than nursery schools” and the brackets enclosing it shall be deleted from paragraph (2).

4. In regulation 2 (Interpretation)—

(a) the definition “individual pupil information” shall be deleted;

(b) for the definition “the relevant local education authority” there shall be substituted—

““the relevant local authority”, in relation to the provision of any individual pupil information, means—

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(1) 1996 c. 56. Section 537A was inserted by the Education Act 1997 (1997 c. 44), section 20, and substituted by the School Standards and Framework Act 1998 (1998 c. 31), section 140(1) and Schedule 30, paragraphs 57 and 153. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) the powers conferred by these sections are exercisable by the Secretary of State only in relation to England.

(2) S.I. 1999/903.

- (a) the local education authority which maintains the school at which the relevant pupil is or was registered;
  - (b) the local education authority which, for the purposes of Part IV of the Act (Special Educational Needs), is responsible for the relevant pupil;
  - (c) the local authority which looks after the relevant pupil; or
  - (d) in the case of a school which is not maintained, the local education authority for the area in which the school is situated at which the relevant pupil is or was registered; and
- for the purpose of sub-paragraph (c) above, a relevant pupil is looked after by a local authority when he is “a child who is looked after by a local authority”, as defined in section 22(1) of the Children Act 1989 (1989 c. 41);”;
- (c) after the definition “the relevant local authority” there shall be inserted the following definition—

““the relevant pupil” means the subject of the individual pupil information.”.

**5.** In regulation 3 (Prescribed persons)—

- (a) after paragraph (2) there shall be inserted—
  - “(2A) For the purposes of section 537A(6) of the Act, the Secretary of State hereby prescribes as a person to whom any person holding any individual pupil information may provide that information—
  - (a) any person referred to in paragraph (4) below; and
  - (b) any person falling within the category referred to in paragraph (5) below.”;
- (b) in paragraph (4)—
  - (i) for “(1)(a) and (2)(a)” in the first line there shall be substituted “(1)(a), (2)(a) and (2A)(a)”;
  - (ii) the word “education” in sub-paragraph (f) shall be deleted;
  - (iii) the word “and” in sub-paragraph (g) shall be deleted;
  - (iv) the full stop at the end of sub-paragraph (h) shall be replaced by a semi-colon; and
  - (v) after sub-paragraph (h) there shall be inserted the following sub-paragraph—
    - “(i) the Learning and Skills Council.”; and
- (c) in paragraph (5), for “(1)(b) and (2)(b)” there shall be substituted “(1)(b), (2)(b) and (2A)(b)”.

18th May 2004

*David Miliband*  
Minister of State  
Department for Education and Skills

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## EXPLANATORY NOTE

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

These Regulations amend the Education (Individual Pupil Information) (Prescribed Persons) Regulations 1999.

The principal amendments are—

- (a) the deletion of the definition “individual pupil information”, so that nursery schools, which were previously excluded from the scope of these Regulations by virtue of this definition, are now included (*regulation 4(a)*);
- (b) the substitution of the definition “the relevant local education authority” by the definition “the relevant local authority”, for the purpose of including a local education authority which has responsibility for maintaining that pupil’s statement of special educational needs and a local authority who looks after that child (*regulation 4(b)*);
- (c) the insertion of a new provision to enable any person holding any individual pupil information (other than the Secretary of State or an information collator) to provide that information to any of the persons prescribed therein (*regulation 5(a)*); and
- (d) the insertion of the Learning and Skills Council into the list of prescribed persons (*regulation 5(b)*).