

This Statutory Instrument corrects errors in S.I. 2023/571 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2023 No. 882

EDUCATION, ENGLAND

The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) (No. 2) Regulations 2023

<i>Made</i>	- - - -	<i>31st July 2023</i>
<i>Laid before Parliament</i>		<i>1st August 2023</i>
<i>Coming into force</i>	- -	<i>31st August 2023</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 51A(3)(c) and (e), (8)(d) and (12) and 210(7) of the Education Act 2002⁽¹⁾.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) (No. 2) Regulations 2023.

(2) These Regulations come into force on 31st August 2023.

(3) These Regulations extend to England and Wales.

(4) These Regulations apply in relation to exclusions of pupils from maintained schools, pupil referral units and Academies in England.

(5) In paragraph (4), “Academies” means Academy schools or alternative provision Academies.

Interpretation

2. In these Regulations—

“the 2012 Regulations” means the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012⁽²⁾;

(1) 2002 c. 32. Section 51A was inserted by section 4(1) and (2) of the Education Act 2011 (c. 21). See section 212 of the Education Act 2002 for the definitions of “prescribed” and “regulations”.

(2) S.I. 2012/1033, as amended by S.I. 2020/543, 2020/908, 2021/953, 2022/788 and 2023/571. This instrument amends S.I. 2023/571 before S.I. 2023/571 comes into force, in order to correct minor errors in that instrument and therefore to ensure that the amendments made by S.I. 2023/571 to S.I. 2012/1033 come into force in the form that was intended.

“the principal amending Regulations” means the School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023(3).

Amendment of the principal amending Regulations

3. The principal amending Regulations are amended in accordance with regulations 4 to 8.

Amendment of the regulation 1 of the principal amending Regulations

4. In regulation 1 (introductory provisions), in paragraph (3), in the second place the words occur, omit “relation to”.

Amendment of regulation 9 of the principal amending Regulations

5. In regulation 9(4)—
 - (a) in the new paragraph (3D) that is inserted into regulation 15 of the 2012 Regulations, in the words after sub-paragraph (b), for “governing body are” substitute “management committee is”;
 - (b) in the new paragraph (3F) that is inserted into regulation 15 of the 2012 Regulations, for “management committee are” substitute “management committee is”;
 - (c) in the new paragraph (3G) that is inserted into regulation 15 of the 2012 Regulations, in the words after sub-paragraph (b), for “governing body are” substitute “management committee is”.

Amendment of regulation 12 of the principal amending Regulations

6. In regulation 12(4)—
 - (a) in the new paragraph (3D) that is inserted into regulation 24 of the 2012 Regulations, in the words after sub-paragraph (b), for “governing body are” substitute “proprietor is”;
 - (b) in the new paragraph (3E) that is inserted into regulation 24 of the 2012 Regulations, in sub-paragraph (b), after “take place” insert “using remote access”;
 - (c) in the new paragraph (3G) that is inserted into regulation 24 of the 2012 Regulations, in the words after sub-paragraph (b), for “governing body are” substitute “proprietor is”.

Amendment of regulation 14 of the principal amending Regulations

7. In regulation 14(4)(c), in the new sub-paragraph (4E) that is inserted into paragraph 10 of Schedule 1 to the 2012 Regulations, in the words after paragraph (b), for “governing body are” substitute “arranging authority is”.

Amendment of regulation 16 of the principal amending Regulations

8. In regulation 16 (transitional arrangements)—
 - (a) in paragraph (2), in the first line, for “in paragraph (4)(a)” substitute “in paragraph (a) of the definition of “scrutiny” in regulation 15”;
 - (b) in paragraph (3), in the first line, for “in paragraph (4)(b)” substitute “to in paragraph (b) of the definition of “scrutiny” in regulation 15”.

31st July 2023

Nick Gibb
Minister of State
Department for Education

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, while extending to the legal jurisdiction of England and Wales, apply only in relation to England.

These Regulations correct minor errors in the School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023 (“the principal amending Regulations”). The principal amending Regulations make provision in relation to exclusions that take place on or after 1st September 2023.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen. An Explanatory Memorandum has been produced and is available alongside this instrument at www.legislation.gov.uk.