
STATUTORY INSTRUMENTS

2012 No. 1107

**The Wiltshire Council (Arrangements for the
Provision of Suitable Education) Order 2012**

PART 3

Consequential modifications

Application of provisions modified by this Part

5.—(1) The provisions as modified by articles 6(3), 9 and 13 apply only in relation to the following applicants—

- (a) the authority; and
 - (b) the governing bodies of the maintained schools mentioned in Part 1 of the Schedule.
- (2) All other provisions as modified by this Part apply in relation to all applicants.

The Education Act 1996

6.—(1) The Education Act 1996(1) is modified as follows.

(2) In section 19(3A) (exceptional provision of education in pupil referral units or elsewhere), after “made by” insert “a proprietor exercising (by virtue of an order made under section 2(1) of the Education Act 2002) the duty conferred on”.

(3) Section 494 (recoupment: excluded pupils) is modified as follows—

- (a) in paragraph (1), for “by another” substitute “in the area of another”;
- (b) in paragraph (2), for “The old authority” substitute “If the pupil is provided with education at a school maintained by the new authority, the proprietor of the school in the old authority (“the proprietor)””; and
- (c) after paragraph (2) insert—

“(2A) If the pupil is provided with education in the area of the new authority otherwise than at school, the proprietor must pay that amount to the provider of the education.”.

(4) In section 537B(9) (provision of information about children receiving funded education outside school), for the definition of “funded education” substitute—

““funded education” means education provided in the area of a local authority under arrangements made by a proprietor exercising (by virtue of an order made under section 2(1) of the Education Act 2002) the duty conferred on that local authority by section 19(1) (duty to make special arrangements for provision of education for children of compulsory school age who may not otherwise receive suitable education), other than such education provided at a school;”.

The Education and Inspections Act 2006

7.—(1) Section 104 of the Education and Inspections Act 2006 (notice to parent relating to excluded pupil)(2) is modified as follows.

- (2) Subsection (5) is omitted.
- (3) In subsection (8)—
 - (a) for paragraph (a) of the definition of “the appropriate authority” substitute—
 - “(a) in the case of a permanent exclusion, the governing body of a maintained school or the proprietor of an Academy,”; and
 - (b) in paragraph (a) of the definition of “the relevant enactment”, for “a local authority” substitute “the governing body of a maintained school or the proprietor of an Academy”.

The Academies Act 2010

8. Section 9(4) of the Academies Act 2010 (impact: new and expanded educational institutions)(3) is modified by inserting “or a governing body of a maintained school or a proprietor of an Academy, by virtue of an order made under section 2(1) of the Education Act 2002,” after “authority”.

The Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999

9.—(1) The Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999(4) are modified as follows.

- (2) In regulation 1(2) (interpretation), in paragraph (a)(ii) of the definition of “relevant date”, for both occurrences of “by the” substitute “in the area of the”.
- (3) In regulation 2(1) (determination of amount)—
 - (a) in paragraph (a), for “by another” substitute “in the area of another”; and
 - (b) in the words that follow paragraph (b)(ii), for “the old authority shall pay to the new authority” substitute “if the pupil is provided with education at a school maintained by the new authority, the proprietor of the school in the old authority (“the proprietor”) shall pay to the new authority (or if the pupil is provided with education in the area of the new authority otherwise than at school, the proprietor shall pay to the provider of that education)”.

The Education (Pupil Registration)(England) Regulations 2006

10.—(1) The Education (Pupil Registration)(England) Regulations 2006(5) are modified as follows.

- (2) In regulation 8 (deletions from admission register)—
 - (a) in paragraph (1)—
 - (i) in paragraph (c), omit “or (m)”; and
 - (ii) omit paragraph (m); and
 - (b) in paragraph (2), for “, (j) or (m)” substitute “or (j)”.
- (3) In regulation 12(3) (returns), for “, (i) or (m)” substitute “or (i)”.

(2) 2006 c. 40.

(3) 2010 c. 32. Section 9 was substituted by section 60 of the Education Act 2011 (c. 21).

(4) S.I. 1999/495. Regulations 2, 3 and 4 were amended by the School Discipline (Pupil Exclusions and Reviews)(England) Regulations 2012 (S.I. 2012/1033).

(5) S.I. 2006/1751.

The Education (Information About Children in Alternative Provision)(England) Regulations 2007

11.—(1) The Education (Information About Children in Alternative Provision)(England) Regulations 2007(6) are modified as follows.

(2) In regulation 2(1) (interpretation), in the definition of “relevant local authority”, for “that funds” to the end substitute “in whose area the funded education is provided”.

(3) In regulation 3 (application)—

(a) in paragraph (a), the reference to “funded education” is a reference to education provided in the area of a local authority under arrangements made by a proprietor exercising (by virtue of an order made under section 2(1) of the Education Act 2002) the duty conferred on that local authority by section 19(1) (duty to make special arrangements for provision of education for children of compulsory school age who may not otherwise receive suitable education), other than such education provided at a school; and

(b) for paragraph (b), substitute—

“(b) such funded education provided at an independent school (in these Regulations referred to as “funded independent school education”)”.

The Education (Provision of Full-Time Education for Excluded Pupils)(England) Regulations 2007

12.—(1) Regulation 4 of the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007(7) is modified as follows.

(2) In paragraph (1), the reference to the duty of a local authority under section 19(1) and (3A) of the 1996 Act to make arrangements for the provision of suitable full-time education for a pupil of compulsory school age who is permanently excluded from a relevant school on disciplinary grounds is a reference to the duty of the proprietor of the relevant school to make those arrangements.

(3) In paragraph (2), for “local authority from providing” substitute “proprietor from making arrangements for the provision of”.

The School Finance (England) Regulations 2012

13.—(1) Regulation 23 of the School Finance (England) Regulations 2012 (pupils permanently excluded from, or leaving, maintained schools)(8) is modified by omitting paragraphs (1), (2), (5), (7) to (9) and (12).

(2) Paragraphs (1), (2), (8) and (9) of that regulation continue to apply for the purposes of paragraphs (6) and (13) of that regulation.

(6) [S.I. 2007/1065](#).

(7) [S.I. 2007/1870](#). Regulation 4 was amended by the School Discipline (Pupil Exclusions and Reviews)(England) Regulations 2012 ([S.I. 2012/1033](#)).

(8) [S.I. 2012/335](#). Regulation 23 was amended by the School Discipline (Pupil Exclusions and Reviews)(England) Regulations 2012 ([S.I. 2012/1033](#)).