

2016 No. 792

EDUCATION, ENGLAND

**The Education (Pupil Registration) (England) (Amendment)
Regulations 2016**

<i>Made</i>	- - - -	<i>20th July 2016</i>
<i>Laid before Parliament</i>		<i>22nd July 2016</i>
<i>Coming into force</i>	- -	<i>1st September 2016</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 434(1)(a), (3) and (4)(b), 569 and 579(1) of the Education Act 1996(c).

Citation and commencement

1. These Regulations may be cited as the Education (Pupil Registration) (England) (Amendment) Regulations 2016 and come into force on 1st September 2016.

Amendments to the Education (Pupil Registration) (England) Regulations 2006

2. The Education (Pupil Registration) (England) Regulations 2006(d) are amended as follows.

Amendments to regulation 5

3. In regulation 5(1)—

(a) after sub-paragraph (c) insert—

“(ca) where a parent of the pupil notifies the proprietor of the school or a person authorised by the proprietor of the school that the pupil will normally reside with a parent at a specified other address in the future, whether in addition to or instead of the address at which the pupil currently normally resides—

(i) the full name of the parent with whom the pupil will newly normally reside,

(ii) the specified other address, and

(iii) the date from which it is expected the child will normally reside there, where it is reasonably practicable for the proprietor to obtain that information.”

(b) in sub-paragraph (e) omit the second “and”; and

(c) at the end of sub-paragraph (f) insert—

“and

(a) Section 579 defines “prescribed” as prescribed by regulations and defines “regulations” as regulations made by the Secretary of State.

(b) Section 434(4) was amended by S.I. 2010/1158.

(c) 1996 c.56.

(d) S.I. 2006/1751.

- (g) where a parent of the pupil notifies the proprietor or a person authorised by the proprietor of the school that the pupil—
 - (i) is also registered at another school; or
 - (ii) will be attending a specified other school in the future,the name of that other school and the first date on which the pupil attended or is due to attend that school, where it is reasonably practicable for the proprietor to obtain that information;”

Amendments to regulation 8

4. In regulation 8(1)(a), in paragraphs (f)(iii) and (h)(iii)—

- (a) omit “both”; and
- (b) for “reasonable enquiry” substitute “jointly making reasonable enquiries”.

Amendments to regulation 12

5. In regulation 12, for paragraph (3) substitute—

“(3) Where the particulars of a pupil are entered in the admission register for a school in accordance with regulation 5(1) of these Regulations, the proprietor must make a return to the local authority for that pupil by the end of the fifth day after the day on which the particulars of the pupil are entered in the admission register.

(4) The duty to make a return under paragraph (3) does not apply where the particulars of the pupil are entered in the admission register at the start of the first year of education normally provided by that school except where the local authority for the area in which the school is located request such a return to be made.

(5) A return made under paragraph (3) must include all the particulars of the pupil that are entered in the admission register.

(6) Where the name of a pupil is to be deleted from the admission register, the proprietor must make a return to the local authority for that pupil as soon as the ground for deletion under regulation 8 is met in relation to that pupil, and in any event no later than the time at which the pupil’s name is deleted from the register.

(7) A return made under paragraph (6) must give—

- (a) the full name of the pupil;
- (b) the full name and address of any parent with whom the pupil normally resides;
- (c) at least one telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency;
- (d) the particulars specified pursuant to regulation 5(1)(ca), if applicable;
- (e) the particulars specified pursuant to regulation 5(1)(g), if applicable; and
- (f) the ground under regulation 8 upon which their name is to be deleted from the admission register.

(8) The duty to make a return under paragraph (6) does not apply where the pupil has completed the final year of education normally provided by that school except where the local authority for the area in which the school is located request such a return to be made.”

Review

6. After regulation 15, insert—

(a) Regulation 8 was amended by S.I. 2010/1172.

“Review

- 16.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of regulations 5(1)(ca), 8(1)(f)(iii) and (h)(iii), and 12(3) – (8),
 - (b) set out the conclusions of the review in a report, and
 - (c) publish the report.
- (2) The report must in particular—
- (a) set out the objectives to be achieved by the regulatory system established by the regulations set out at (1)(a);
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate, and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (3) The first report under this regulation must be published before 30 September 2019.
- (4) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”

20th July 2016

Nick Gibb
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Pupil Registration) (England) Regulations 2006.

Regulation 3 amends regulation 5 of those Regulations to require that a school's admission register must include any new address at which a pupil will be living and any new school which a pupil will be attending, when a person authorised by the proprietor of the school has been given notice of this information by a parent of the pupil.

Regulation 4 amends regulation 8(1)(f)(iii) and (h)(iii) of those Regulations to require the enquiries made by a school and local authority to ascertain where a pupil is to be made jointly.

Regulation 5 amends Regulation 12 of those Regulations to require the proprietor of the school to make a return to the local authority each time a pupil is added to the register which must contain all the information on the register relating to that pupil.

Regulation 5 also amends Regulation 12 to extend the duty to make a return to the local authority with information relating to a pupil being deleted from the school's register under some of the circumstances in regulation 8(1) to all circumstances in which a pupil is removed from the register. The information must include, amongst other things, any new address at which a pupil will be living and any new school which a pupil will be attending. The duty to make a return under regulation 12 no longer applies in the case of pupils removed from the register after the pupil has completed the final year of education normally provided by the school unless the local authority requests a return be made.

Regulation 6 inserts Regulation 16 into the Education (Pupil Registration) (England) Regulations 2006. Regulation 16 requires the Secretary of State to review the operation and effect of the amendments made by these Regulations and publish a report no later than 30 September 2019, and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or amended. A further instrument would be needed to revoke the Regulations or to amend them.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD, telephone 01616001247.

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