

2021 (WG21-19)

CORONAVIRUS ACT 2020

**Modification of section 3 of the
Education Act 1996 (Wales) Notice
(No. 3) 2021**

The Welsh Ministers, in exercise of the powers conferred by section 38(1) of, and paragraph 7 of Schedule 17 to, the Coronavirus Act 2020⁽¹⁾, issue the following notice.

Modification of section 3 of the Education Act 1996

1.—(1) This paragraph applies for the specified period.

(2) Section 3 of the Education Act 1996⁽²⁾ (definition of pupil etc.) is modified in its application so that, for the purposes of the Education Act 1996, a person is not to be treated as a pupil at a school in Wales merely because any education is provided for that person at the school on a temporary basis, for reasons relating to the incidence or transmission of coronavirus.

(3) The modification in sub-paragraph (2) has effect only for the purposes of section 434 of the Education Act 1996 (registration of pupils) and the Education (Pupil Registration) (Wales) Regulations 2010⁽³⁾.

Reasons for issuing the notice

2.—(1) The Welsh Ministers consider that the issuing of this notice is an appropriate and proportionate action in all the circumstances relating to the incidence or transmission of coronavirus for the following reasons.

(2) Since 5 January 2021, premises of maintained schools are closed to most pupils by virtue of the

(1) 2020 c.7.

(2) 1996 c.56.

(3) SI 2010/1954 (W. 187).

Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020⁽¹⁾

(3) The number of learners in schools will be limited and it is possible that some children will attend a school other than the school at which they are registered.

(4) There are potential disadvantages to pupils of schools receiving children temporarily if those children become registered pupils. These disadvantages include the possibility of large class sizes and unfairness to other children who would have priority for admission.

(5) The modification made by paragraph 1(2) of this notice will prevent unintended consequences arising from the temporary attendance by registered pupils of one school at another school.

(6) The limitation to this modification by paragraph 1(3) preserves other duties and responsibilities that exist with regards to ‘pupils’ that need to continue.

Specified period

3. In this notice “specified period” means the period of 31 days beginning with 1 March 2021.

Kirsty Williams
Minister for Education, one of the Welsh Ministers
25 February 2021

(1) S.I. 2020/1609 (W. 335) relevant amendments were made by regulation 2(11) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) Regulations 2021(S.I. 2021/57 (W. 13)), and regulation 2(6), (7) and (8) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.3) Regulations 2021(S.I. 2021/172 (W.40)).