

## **Coronavirus Act 2020 Modification of section 3 of the Education Act 1996 (England) (No.2) Notice 2020**

The Secretary of State for Education, in exercise of the powers conferred by section 38(1) of, and paragraph 5 of Schedule 17 to, the Coronavirus Act 2020<sup>1</sup>, issues the following notice.

### *Modification of section 3 of the Education Act 1996*

1. The Secretary of State for Education by this notice modifies section 3 (definition of pupil etc.) of the Education Act 1996<sup>2</sup> in the manner described in the table in paragraph 5 of Schedule 17 to the Coronavirus Act 2020 so that, for the purposes of the Education Act 1996, a person is not to be treated as a pupil at a school 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 during the period specified in this notice.
2. The modification in paragraph 1 has effect only for the purposes of section 434 of the Education Act 1996 (registration of pupils) and any regulations made under that section.
3. The Secretary of State for Education considers 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:
  - (a) Since 20th March 2020 educational institutions, including schools and further education colleges, and registered childcare settings in England have remained open for vulnerable children and young people and for children of critical workers in order to reduce the spread of coronavirus.
  - (b) On 28th April 2020 the Secretary of State for Education issued a notice modifying section 3 of the Education Act 1996 in the manner described in paragraphs 1 and 2<sup>3</sup>. The specified time period of that notice was 1st May 2020 to 31st May 2020.
  - (c) On 10th May 2020 the government announced that certain education and childcare settings in England are being asked to plan for the possibility of phased wider opening if the government's tests are met.
  - (d) Some schools have closed their premises because provision was no longer viable in light of the small number of pupils attending on site. As a result, some children have been attending a school other than the school at which they are registered as a pupil.

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<sup>1</sup> 2020 c.7.

<sup>2</sup> 1996 c.56.

<sup>3</sup> The notice can be viewed at this link: <https://www.gov.uk/government/publications/modification-notice-school-registration-legislation-changes>

- (e) A phased return of more students back on site would, in the first instance, result in the majority of schools making on-site provision for some year groups with smaller classes (in order to implement protective measures). As a result, some children (particularly some vulnerable children and some children of critical workers) may need to attend a school other than the school at which they are registered as a pupil.
- (f) This modification, for the purposes of section 434 of the Education Act 1996, facilitates the temporary attendance of a child at the host school by removing the obligation on the host school to register the child and removing any obligation thereafter to make permanent provision for the child as may otherwise arise as a result of registration.
- (g) The limitation to this modification by paragraph 2 preserves other, important, duties and responsibilities that exist with regards to 'pupils' that need to continue.

*Specified period*

- 4. The specified period in this notice starts at the beginning of 1st June 2020 and finishes at the end of 30th June 2020.

Signed by or on behalf of the Secretary of State for Education:

Date of signature:

28 May 2020

A handwritten signature in blue ink, appearing to read "Gavin Williamson". It consists of a large, stylized "G" followed by "Williamson" in a cursive script.