

Coronavirus Act 2020 Modification of section 3 of the Education Act 1996 (England) (No.5) 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 2020¹, issues the following notice.

Modification of section 3 of the Education Act 1996

1. The Secretary of State for Education by this notice modifies in relation to England section 3 (definition of pupil etc.) of the Education Act 1996² 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) From 20th March 2020 until the end of the summer term, educational institutions, including schools and further education colleges, and registered childcare settings in England remained open for vulnerable children and young people and for children of critical workers in order to reduce the spread of coronavirus.
 - (b) From 1st June 2020 until the end of the summer term, primary schools and registered childcare settings in England welcomed back certain groups of children. From 15th June 2020 until the end of the summer term, secondary schools, 16 to 19 and further education settings provided some face-to-face support to certain other groups. On 2nd July 2020 the government asked schools to prepare for all pupils to return to school from the beginning of the autumn term (except where public health advice indicates that they should remain at home).
 - (c) The Secretary of State for Education has previously issued four notices modifying section 3 of the Education Act 1996 in the manner described in paragraphs 1 and 2. The most recent notice was issued on 31st July 2020. The specified time period of that notice was 1st August 2020 to 31st August 2020³.

¹ 2020 c.7.

² 1996 c.56.

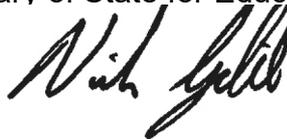
³ The notices can be viewed at this link: <https://www.gov.uk/government/publications/modification-notice-school-registration-legislation-changes>

- (d) This modification, for the purposes of section 434 of the Education Act 1996, facilitates the temporary attendance of a child at a school they do not usually attend by removing the obligation on that school to register the child and removing any obligation thereafter to make permanent provision for the child that may otherwise arise as a result of registration.
- (e) The limitation to this modification by paragraph 2 preserves other, important, duties and responsibilities that exist with regards to pupils in general that need to and will continue to apply in relation to pupils who are attending a school other than the school at which they are registered as pupils.
- (f) While the government expects all pupils to return to school in the autumn term, a small minority of children may need to attend a school other than the school at which they are registered in the event of regional lockdown in response to localised increases in coronavirus incidence and transmission. In such cases, this notice will facilitate the attendance of pupils at a different school in the area, as a temporary measure. These situations are liable to arise unpredictably in localities across England, so a territorial or other limitation would not be appropriate. It is therefore appropriate to make this notice both in relation to the whole of England and for the period specified.

Specified period

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

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



Date of signature:

27 August 2020