

Coronavirus Act 2020 Modification of section 3 of the Education Act 1996 (England) 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 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) Since 20th March 2020 educational institutions including schools and further education colleges and registered childcare settings in England have remained open only for vulnerable children and young people and children of critical workers in order to reduce the spread of coronavirus. Children and young people not in those groups are to remain out of their setting.
 - (b) Where some schools are now closed, because provision is no longer viable in light of the small number of pupils that would attend, some children are attending a school other than the school at which they are registered as a pupil.
 - (c) 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. This preserves the host school's places for those children who would normally have priority for admission to that school and the child's place at the school at which they were and will continue to be registered.

¹ 2020 c.7.

² 1996 c.56.

(d) 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 May 2020 and finishes at the end of 31st May 2020.

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

A handwritten signature in blue ink, appearing to be 'C. D. L.', written in a cursive style. The signature is positioned below the text 'Signed by or on behalf of the Secretary of State for Education:'.

Date of signature: 28 April 2020