

Coronavirus Act 2020 Modification of section 3 of the Education Act 1996 (England) (No.4) 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) 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) From 1st June 2020 primary schools and registered childcare settings in England have been welcoming back certain groups of children. From 15th June 2020, secondary schools, 16 to 19 and further education settings have been providing 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 three 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 29th June 2020. The specified time period of that notice was 1st July 2020 to 31st July 2020³.

¹ 2020 c.7.

² 1996 c.56.

³ Read [the notices](#)

- (d) Recently the phased return of more students to their school has resulted in the majority of schools making on-site provision for some year groups with smaller classes (in order to implement protective measures). The government expects all pupils to return to school in the autumn term. However, some children will continue to need to attend a school other than the school at which they are registered as a pupil because of smaller class sizes at their usual school or because their year group is still not attending the school. This may also be needed in the event of local restrictions in response to localised rises in the incidence or transmission of coronavirus.
- (e) 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 that may otherwise arise as a result of registration.
- (f) 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.
- (g) The matters above are relevant to all of England. Although most schools will not be in session during August, some schools are expected to begin their autumn terms in August (whether because that is when their school year ordinarily begins or because of a change in response to current circumstances) and therefore will be affected by the issues mentioned above. 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 August 2020 and finishes at the end of 31st August 2020.

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

A handwritten signature in blue ink, appearing to read 'Gillian', is written over a blue circular stamp or seal.

Gillian Keegan MP, Parliamentary Under Secretary of State for Apprenticeships and Skills

Date of signature:

28.07.20