

2009 No.1338 (W.123)

EDUCATION, WALES

**The Education (Areas to which
Pupils and Students Belong)
(Wales) (Amendment) Regulations
2009**

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Education (Areas to which Pupils and Students Belong) (Wales) (Amendment) Regulations 2009 amend the Education (Areas to which Pupils and Students Belong) Regulations 1996(1) (“the Principal Regulations”).

Regulations 2(2), 2(4), 2(5), 2(10) and 2(11) remove references to further education students in regulations 2(1) and 3(a) of the Principal Regulations and revoke regulations 3(b), 7(2)(d), 8, 9 and 10 of those Regulations. The effect of this is that the Principal Regulations will cease to make special provision about the areas to which further education students are to be treated as belonging. Regulation 2(11) also revokes regulation 11 of the Principal Regulations, which makes provision for the Education (Areas to which Pupils and Students Belong) Regulations 1989(2) to continue to apply for specified payments, as it is no longer needed.

Regulation 2(3) amends regulation 2 of the Principal Regulations to provide that those Regulations do not apply for the purpose of determining the education authority responsible for identifying, assessing, making and maintaining statements and performance of other functions under Part 4 of the Education Act 1996 relating to children with special educational needs.

Regulations 2(6) to (8) amends various regulations in the Principal Regulations by substituting references

(1) S.I. 1996/615 as amended by S.I. 1997/597.
(2) S.I. 1989/2037.

to current legislation for references to legislation that is no longer in existence.

Regulation 2(9) amends regulation 7 of the Principal Regulations to make clear that the regulation applies to the exclusion of other regulations in the Principal Regulations only.

2009 No. 1338(W.123)

EDUCATION, WALES

**The Education (Areas to which
Pupils and Students Belong)
(Wales) (Amendment) Regulations
2009**

Made 29 May 2009

Laid before the National Assembly

for Wales 2 June 2009

Coming into force 24 June 2009

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 569(4) and 579(4) of the Education Act 1996⁽¹⁾ and now vested in them⁽²⁾ make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Areas to which Pupils and Students Belong) (Wales) (Amendment) Regulations 2009 and they come into force on 24 June 2009.

(2) These Regulations apply in relation to Wales.

Amendment of the Education (Areas to which Pupils and Students Belong) Regulations 1996⁽³⁾

2.—(1) The Education (Areas to which Pupils and Students Belong) Regulations 1996 are amended as follows.

(2) In regulation 2(1), omit—

(1) 1996 c.56.

(2) The functions of the Secretary of State under these sections transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(3) S.I. 1996/615 as amended by S.I. 1997/597.

““further education student” means a person in respect of whom provision for further education is made;”.

(3) In regulation 2, after paragraph (3), insert—

“(4) These Regulations do not apply for the purposes of determining which authority’s area a child is in for the purposes of section 321(3)(1) of the Education Act 1996.”

(4) In regulation 3(a), omit—

“other than a further education student” and “and”.

(5) Paragraph (b) of regulation 3 is omitted.

(6) In each of regulations 4(2)(a), 5(2)(a) and 7(2)(a), for “Part III of the Education Act 1993”, substitute “Part 4 of the Education Act 1996”.

(7) In regulation 4(2)(b), for “section 50(1) of the Education Act 1944”, substitute “section 514(1)(2) of the Education Act 1996”.

(8) In each of regulations 6(2)(b) and 7(2)(c), for “section 298(1) of the Education Act 1993”, substitute “section 19(1)(3) of the Education Act 1996”.

(9) In regulation 7(1), after the words “other regulation”, add—

“in these Regulations”.

(10) In regulation 7(2)—

(a) omit “or” at the end of sub-paragraph (c), and

(b) omit sub-paragraph (d).

(11) Regulations 8, 9, 10 and 11 are omitted.

(1) Section 321(3)(a) is amended by section 140(1) of, and paragraph 76(a) of Schedule 30 to, the School Standards and Framework Act 1998 (c.31), and section 215(1) of, and paragraph 42 of Schedule 21 to, the Education Act 2002 (c.32).

Section 321(3)(b) was inserted by section 140(1) of, and paragraph 76(b) of Schedule 30 to, the School Standards and Framework Act 1998 and amended by section 215(1) of, and paragraph 42 of Schedule 21 to, the Education Act 2002.

(2) Section 514 is amended by section 140(1) of, and paragraph 135 of Schedule 30 to, the School Standards and Framework Act 1998.

(3) Section 19(1) is amended by section 47(2) and 57(4) of, and Schedule 8 to, the Education Act 1996.

Jane Hutt

Minister for Children, Education, Lifelong Learning
and Skills, one of the Welsh Ministers

29 May 2009