

# SL(5)571 – Modification of section 3 of the Education Act 1996 (Wales) Notice 2020

## Background and Purpose

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Section 3 of the Education Act 1996 defines “pupil” as a person for whom education is being provided at a school (subject to some exceptions).

This Notice modifies the application of section 3 so that a person is not to be treated as a pupil at a school in Wales 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.

This modification has effect only for the purposes of the registration of pupils. In contexts other than registration, the meaning of “pupil” in section 3 is not modified.

The Notice states at paragraphs 2(4) and (5):

- There are potential disadvantages to pupils of schools receiving children temporarily if those children become registered pupils. These disadvantages include the possibility of large class sizes and unfairness to other children who would have priority for admission.
- The modification [of section 3] will prevent unintended consequences arising from the temporary attendance by registered pupils of one school at another school.

This modification of section 3 applies during the period 29 June 2020 to 28 July 2020.

## Procedure

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No procedure.

## Scrutiny under Standing Order 21.7

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One point is identified for reporting under Standing Order 21.7(v) in respect of this Notice.

### **1. The Coronavirus Act 2020 and laying before the Senedd**

We note that the Coronavirus Act 2020 gives the Welsh Ministers power, by notice, temporarily to modify primary legislation relating to education in Wales.

We also note that the Coronavirus Act 2020 does not require the Notice to be laid before the Senedd, but that the Notice has been [published on the Welsh Government’s website](#).

## Implications arising from exiting the European Union

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None.

## Government Response

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A Welsh Government response is not required.

### **Legal Advisers**

### **Legislation, Justice and Constitution Committee**



30 June 2020



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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Welsh Parliament

**Legislation, Justice and Constitution Committee**