
DRAFT STATUTORY INSTRUMENTS

2012 No.

**The Local Authorities (Public Health
Functions and Entry to Premises by Local
Healthwatch Representatives) Regulations 2012**

PART 2

PUBLIC HEALTH FUNCTIONS

Weighing and measuring of children

3.—(1) In the exercise of its functions under paragraph 7A(1) and (2) of Schedule 1 to the Act(1) (weighing and measuring of children), each local authority must so far as reasonably practicable and in accordance with paragraph (4), provide for the weighing and measuring of the children to whom this regulation applies.

(2) This regulation applies to any child who—

(a) is a relevant child within the meaning of paragraph (3); and

(b) is a registered pupil at—

(i) a maintained school which is in the local authority's area,

(ii) an Academy school which is in the local authority's area, or

(iii) a school known as a city technology college or as a city college for the technology of the arts(2) which is in the local authority's area.

(3) A relevant child is a child who at the beginning of the school year is—

(a) in the school year in which the majority of children are aged either 4 or 5 years; or

(b) in the school year in which the majority of children are aged either 10 or 11 years.

(4) Each local authority must ensure that a child to which this regulation applies is weighed and measured at least once during the school year in which that child is a relevant child.

(5) In this regulation—

“Academy school” has the meaning given by section 1A of the Academies Act 2010(3) (Academy schools), except that it does not include a school which is specially organised to make special educational provision for pupils with special educational needs(4);

(1) Paragraph 7A of Schedule 1 to the 2006 Act was inserted by section 143(1) of the Health and Social Care Act 2008 (c.14) and is amended by section 17(2) and (7) of the 2012 Act.

(2) Schools known as city technology colleges and as city colleges for the technology of the arts were originally established under agreements under section 482 of the Education Act 1996 (c.56), which has since been repealed.

(3) 2010 c.32. Section 1A was inserted by section 53(7) of the Education Act 2011 (c.21) (“the Education Act”).

(4) See section 1A(2) of the Academies Act 2010 as inserted by section 53(7) of the Education Act.

“maintained school” has the meaning given by section 20(7) of the School Standards and Framework Act 1998⁽⁵⁾ (new categories of maintained schools), except that it does not include a community special school or a foundation special school⁽⁶⁾;

“registered pupil” has the meaning given by section 434 of the Education Act 1996⁽⁷⁾ (registration of pupils) and “pupil” has the meaning given by section 3 of that Act (definition of pupil etc); and

“school year” has the meaning given by section 579(1) of the Education Act 1996 (general interpretation).

(6) The duty in paragraph (1) does not apply in relation to any relevant child who has been weighed and measured during the school year in which the child is a relevant child, where the weighing and measuring was done between 1st September 2012 and the date that this Part comes into force, pursuant to arrangements made by a Primary Care Trust.

(5) [1998 c.31](#).

(6) See section 20(7) of the School Standards and Framework Act 1998.

(7) [1996 c.56](#). Section 3 was amended (so far as is relevant for these Regulations) by paragraph 9 of Schedule 7 to the Education Act 1997 ([c.44](#)) and by paragraph 34 of Schedule 21 to the Education Act 2002 ([c.32](#)).