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STATUTORY INSTRUMENTS

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**1994 No. 2128**

**EDUCATION, ENGLAND AND WALES**

**The Pupils' Registration (Amendment) Regulations 1994**

*Made* - - - - *10th August 1994*  
*Laid before Parliament* *11th August 1994*  
*Coming into force* - - *1st September 1994*

In exercise of the powers conferred by section 80 of the Education Act 1944<sup>(1)</sup> and vested in the Secretary of State<sup>(2)</sup>, the Secretary of State for Education, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Pupils' Registration (Amendment) Regulations 1994 and shall come into force on 1st September 1994.

**Amendment of the Pupils' Registration Regulations 1956**

2. Regulation 3 of the Pupils' Registration Regulations 1956<sup>(3)</sup> shall be amended by—
- (a) the insertion at the end of paragraph (7) of—  
“; or
  - (d) in the case of a pupil who is registered as a pupil at more than one school in accordance with regulation 4A below, because he is attending another school at which he is a registered pupil”, and
  - (b) the insertion at the end of paragraph (8) of “or, in the case of a pupil who is registered as a pupil at more than one school in accordance with regulation 4A below, because he is attending another school at which he is a registered pupil”.
3. There shall be substituted for regulation 4<sup>(4)</sup> of those Regulations—

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(1) 1944 c. 31; section 80 was amended by section 4(4) and (5) of, and Schedule 2 to, the Education (Miscellaneous Provisions) Act 1948 (c. 40); paragraph 1(2) of Schedule 1 to the Education Act 1980 (c. 20); paragraphs 5 and 58 of Schedule 12 to the Education Reform Act 1988 (c. 40); and paragraph 21 of Schedule 19 to the Education Act 1993 (c. 35).  
(2) S.I. 1964/490, 1970/1536, 1978/274 and 1992/1296.  
(3) S.I. 1956/357; regulation 3(7) and (8) was inserted by S.I. 1991/1582.  
(4) Regulation 4 was amended by S.I. 1987/1285 and S.I. 1991/1582.

**“Deletions from Admission Register**

4.—(1) The following grounds are hereby prescribed as those on which the name of a pupil of compulsory school age is to be deleted from the Admission Register—

- (a) where the pupil is registered at the school in accordance with the requirements of a school attendance order, that another school is substituted for that named in the order or the order is revoked on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude otherwise than at school;
- (b) except as provided in regulation 4A below, in a case not falling within sub-paragraph (a) of this paragraph, that he has been registered as a pupil of another school;
- (c) in a case not falling within sub-paragraph (a) of this paragraph, that he has ceased to attend the school at which he is registered and his parent has satisfied the Authority that he is receiving efficient full-time education suitable to his age, ability and aptitude otherwise than by attendance at school;
- (d) except in the case of a boarder, that his ordinary residence has been transferred to a place whence the school at which he is registered is not accessible with reasonable facility;
- (e) that he is certified by the school medical officer as unlikely to be in a fit state of health to attend school before becoming legally exempt from the obligation so as to attend;
- (f) that he has been continuously absent from school for a period of not less than four weeks and the proprietor of the school has failed, after reasonable enquiry, to obtain information of the cause of absence;
- (g) that the proprietor has ascertained that the pupil had died;
- (h) that he will cease to be of compulsory school age before the school next meets and intends to discontinue in attendance thereat;
- (i) in the case of a boarder, or of a pupil at a school other than a maintained school, that he has ceased to be a pupil of the school;
- (j) where the pupil is registered at a maintained school, that he has been permanently excluded from the school; or
- (k) having been admitted to the school for nursery education, he has not on completing such education transferred to a reception class at the school:

Provided that in a case not covered by sub-paragraph (a), (g) or (j) of this paragraph, or regulation 4A below, the name of a child who has under arrangements made by an Authority become a registered pupil at a special school shall not be removed from the Admission Register of that school without the consent of that Authority or, if that Authority refuse to give consent, without a direction of the Secretary of State.

(2) The following grounds are hereby prescribed as those on which the name of a pupil not of compulsory school age is to be deleted from the Admission Register—

- (a) that he has ceased to attend the school, or, in the case of a boarder, that he has ceased to be a pupil of the school;
- (b) that he has been continuously absent from the school for a period of not less than four weeks and the proprietor of the school has failed, after reasonable enquiry, to obtain information of the cause of absence;
- (c) that the proprietor has ascertained that the pupil has died;

- (d) having been admitted to the school for nursery education, he has not on completing such education transferred to a reception class at the school; or
- (e) where the pupil is registered at a maintained school, that he has been permanently excluded from the school.

(3) For the purposes of this regulation—

- (a) “maintained school” means a school maintained by an Authority, a grant-maintained school or a grant-maintained special school;
- (b) “reception class” means a class in which education is provided which is suitable to the requirements of pupils aged five and any pupils under or over the age whom it is expedient to educate together with pupils of that age;
- (c) children are to be regarded as having been admitted to a school for nursery education if they were placed on admission in a nursery class; and
- (d) the permanent exclusion of a pupil does not take effect until—
  - (i) any review under the articles of government of the decision to exclude him has been completed, and
  - (ii) either any time for appealing under section 26 of the Education (No. 2) Act 1986<sup>(5)</sup> or those articles has expired without such an appeal being made or such an appeal has been finally concluded.”.

4. There shall be inserted after regulation 4 of those Regulations—

“**4A.**—(1) Where a pupil is registered as a pupil at a pupil referral unit and at a school other than a pupil referral unit, the name of that pupil shall not be removed from the Admission Register of either the unit or the school in accordance with paragraph (1)(b) of regulation 4 above without the consent of both the Authority by which the unit is maintained and the proprietor of the school.

(2) Subject to paragraph (3) of this regulation, where a pupil—

- (i) is registered as a pupil at a special school (including a special school established in a hospital) and at another school (other than a pupil referral unit), and
- (ii) there is not maintained for that pupil a statement of special educational needs specifying the name of the special school only,

the name of that pupil shall not be removed from the Admission Register of either school in accordance with paragraph (1)(b) of regulation 4 above without the consent of the proprietors of both schools.

(3) Where a pupil is registered as a pupil at a special school established in a hospital and at another special school the name of that pupil shall not be removed from the Admission Register of either school in accordance with paragraph (1)(b) of regulation 4 above without the consent of the proprietors of both schools.

(4) The requirements to obtain consent in paragraphs (1) to (3) above do not apply in cases covered by paragraph (1)(g) and (j) of regulation 4 above.

(5) In this regulation, “special school” has the meaning assigned to it by section 182(1) of the Education Act 1993.”.

5. Regulation 7 of those Regulations shall be amended by the substitution for the proviso of the following—

“Provided that this Regulation shall not have effect with respect to—

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- (a) any absence from the school due to sickness of the pupil in respect of which a medical certificate has been furnished to the head teacher, or
- (b) any absence from the school of a pupil who is registered at more than one school in accordance with regulation 4A above, due to that pupil attending another school at which he is a registered pupil.”.

4th August 1994.

*Eric Forth*  
Minister of State,  
Department for Education

10th August 1994.

*Gwilym Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to the Pupils' Registration Regulations 1956 consequential on paragraph 4 of Schedule 18 to the Education Act 1993, which permits a pupil to be registered as a pupil at a pupil referral unit and a mainstream school simultaneously. Section 298(2) of the Education Act 1993 defines a pupil referral unit as a maintained school other than a county or special school organised to provide education for children who by reason of exclusion from school or otherwise may not receive suitable education unless exceptional arrangements are made for them. They also make provision for a pupil to become registered at a special school and another school.

Regulation 3 of the 1956 Regulations now provides that a pupil who is registered at both a mainstream school and a unit or special school is absent with leave from one school when he is attending the other.

The Regulations substitute regulation 4 and insert a new regulation 4A in the 1956 Regulations. The name of a pupil may not generally be deleted from the Admission Register under regulation 4(1)(b) (which requires the deletion of a pupil's name where that pupil has become a registered pupil at another school) where a pupil becomes a registered pupil at a pupil referral unit or special school without the consent of the proprietors of both schools.

The substituted regulation 4(1)(j) and (2)(e) (which provide that permanent exclusion is a ground for deletion of the name of a pupil at a maintained school from the Admissions Register) cover pupils at grant-maintained schools and grant-maintained special schools. A pupil's name may not be deleted from the Admission Register following a permanent exclusion until any appeal under the articles or under section 26 of the Education (No. 2) Act 1986 has been concluded, or the time limit for appeal under the articles or section 26 has expired.

The Regulations also make minor changes to regulation 7 of the 1956 Regulations.