
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in relation to England only.

Regulation 2 amends the definition of the relevant date in regulation 4 of the Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999. The relevant date is the date when the permanent exclusion of a pupil is regarded as taking effect for the purpose of recoupment between local education authorities under section 494 of the Education Act 1996.

The relevant date from 22nd March 2004 is the date when an appeal is finally determined, or if there is no appeal when the last date for lodging an appeal has passed, or when the parent or pupil notifies the local education authority that he does not intend to appeal.

Regulation 3 makes a consequential amendment to reflect the new schools budget introduced in the LEA Budget, Schools Budget and Individual Schools Budget (England) Regulations 2002 ([SI 2002/3199](#)).

Regulation 4 amends the Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 to provide that the head teacher, governing body or appeal panel must establish facts on a balance of probabilities. Regulation 5 makes a similar amendment to the Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2002

Regulation 6 amends the qualification required for a governor member of an appeal panel constituted under the Schedule to the Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002. Regulation 7 makes transitional provision in connection with regulation 6.

Regulations 8 to 10 amend the Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 and the Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2002 to provide that the Secretary of State may obtain information on exclusions from local education authorities.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.