
STATUTORY INSTRUMENTS

2012 No. 1107

The Wiltshire Council (Arrangements for the
Provision of Suitable Education) Order 2012

PART 2

Arrangements for provision of suitable education for permanently excluded pupils

Exercise of the duty

- 3.—(1) The authority is exempt from the duty in relation to permanently excluded pupils.
- (2) The proprietor of a school must exercise the duty in place of the authority in relation to any pupil who is permanently excluded from that school.

When Order ceases to apply

- 4.—(1) This article applies where a maintained school (“the school”) converts to an Academy.
- (2) On the date on which the authority must cease to maintain the school under section 6(2) of the Academies Act 2010 (effect of Academy order)(**1**) (“the conversion date”), this Order ceases to apply to the exercise of the duty in relation to any pupil permanently excluded from the school.
- (3) Immediately before the conversion date—
- (a) the proprietor of the school must delete from the school’s admission register the name of any permanently excluded pupil; and
 - (b) the authority, before determining the amount of any surplus for the purpose of section 7 of the Academies Act 2010 (transfer of school surpluses), must reduce the school’s budget share in accordance with regulation 23(2) of the School Finance (England) Regulations 2012 (pupils permanently excluded from, or leaving, maintained schools)(**2**) as if that regulation had not been modified by this Order, but in calculating “B” for the purpose of paragraph (b) of that regulation, the relevant date is taken to be the conversion date.

(1) 2010 c. 32.

(2) S.I. 2012/335.