

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to local authorities in England, prescribe the information that local authorities must provide to the Secretary of State in each year relating to the provision of primary and secondary education in their area.

Regulation 3 and Schedule 1 set out the information which local authorities must provide to the Secretary of State each year about the number of registered pupils and the capacity of schools in their area.

Regulation 4 and Schedule 2 set out the content of reports which local authorities, in a particular case must, and in another case may, send to the Secretary of State each year about the admission of pupils living in their areas to primary and secondary schools.

Regulation 6 and Schedule 3 revoke the Information as to Provision of Education (England) Regulations 2008 and amending regulations.

The main differences between these Regulations and the regulations being revoked are as follows—

- the previous requirement placed on local authorities which are county councils to provide a forecast of numbers of registered pupils for whom primary and secondary information will be provided over the next five or seven years is removed;
- the requirement placed on local authorities to submit information on the number of registered pupils in each school on the third Thursday in May in each year is to apply only where the school first opened after the third Thursday in January before the beginning of the collection year;
- a new requirement is placed on local authorities to give information about increases in capacity in schools in their area which are filling up by age group over a number of years;
- a new requirement is placed on local authorities to give more information about building works necessary to accommodate increases in capacity at schools in their area.

An Impact Assessment has not been produced for this instrument as it has no impact on business or civil society organisations.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Information as to Provision of Education (England) Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- reg. 2 substituted by [S.I. 2023/1186 reg. 2\(2\)](#)
- reg. 5 substituted by [S.I. 2023/1186 reg. 2\(4\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 11A substituted for Sch. 1 by [S.I. 2023/1186 reg. 2\(5\)](#)
- reg. 33A substituted for reg. 3 by [S.I. 2023/1186 reg. 2\(3\)](#)