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STATUTORY INSTRUMENTS

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**2020 No. 816**

**EDUCATION, ENGLAND**

**The Education (Pupil Registration) (England)  
(Coronavirus) (Amendment) (No. 2) Regulations 2020**

|                               |         |                         |
|-------------------------------|---------|-------------------------|
| <i>Made</i>                   | - - - - | <i>30th July 2020</i>   |
| <i>Laid before Parliament</i> |         | <i>3rd August 2020</i>  |
| <i>Coming into force</i>      | - -     | <i>24th August 2020</i> |

The Secretary of State, in exercise of the powers conferred by sections 434(1) and 569(4) of the Education Act 1996(1), makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Education (Pupil Registration) (England) (Coronavirus) (Amendment) (No. 2) Regulations 2020 and come into force on 24th August 2020.

**Amendment to the Education (Pupil Registration) (England) Regulations 2006**

2.—(1) The Education (Pupil Registration) (England) Regulations 2006(2) are amended as follows.

(2) In regulation 6 (contents of attendance register)—

(a) in paragraph (1)—

(i) at the end of sub-paragraph (iii) omit “or”;

(ii) at the end of sub-paragraph (iv) insert “or”;

(iii) after sub-paragraph (iv) insert—

“(v) not attending in circumstances relating to coronavirus;”;

(b) after paragraph (5) insert—

“(5A) The circumstances of a pupil’s non-attendance relate to coronavirus for the purposes of paragraph (1)(v) only where—

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(1) 1996 c. 56; there are amendments to sections 434 and 569 which are not relevant to these Regulations. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England. For the definitions of “prescribed” and “regulations” see section 579(1).

(2) S.I. 2006/1751. Regulation 6 was amended by S.I. 2010/1172, S.I. 2010/1725 and S.I. 2020/544. There are other amendments to S.I. 2006/1751 which are not relevant to these Regulations.

- (a) the session takes place in the 2020-21 school year<sup>(3)</sup>; and
- (b) the pupil’s travel to or presence at the school would be—
  - (i) contrary to any guidance relating to the incidence or transmission of coronavirus published by Public Health England, the Secretary of State for Health and Social Care or any body or authority exercising equivalent functions in relation to Scotland, Wales or Northern Ireland; or
  - (ii) prohibited by any enactment relating to the incidence or transmission of coronavirus or any instrument made under such an enactment.”;
- (c) for paragraph (7) substitute—
  - “(7) For the purpose of this regulation—
    - “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
    - “enactment” includes—
      - (a) an enactment passed or made after these Regulations;
      - (b) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978<sup>(4)</sup>;
      - (c) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
      - (d) an enactment contained in, or in an instrument made under, an Act or Measure of Senedd Cymru; and
      - (e) an enactment contained in, or in an instrument made under, Northern Ireland legislation;
    - “walking distance” has the meaning given to that expression in section 444(5) of the Education Act 1996.”.

## Review

3. The Secretary of State must review the effectiveness of the amendments made by these Regulations during the period starting with 24th August 2020 and ending with 31st August 2021.

30th July 2020

*Nick Gibb*  
Minister of State  
Department for Education

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(3) “School year” is defined in section 579(1) of the Education Act 1996; there are amendments to section 579 which are not relevant to these Regulations.

(4) 1978 c. 30; “subordinate legislation” is defined in section 21(1), which was amended by [S.I. 2020/463](#); there are other amendments to the Interpretation Act 1978 but they are not relevant to these Regulations.

## EXPLANATORY NOTE

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

These Regulations amend the Education (Pupil Registration) (England) Regulations 2006 (“the 2006 Regulations”) to introduce a new way to record a pupil’s non-attendance in a school’s attendance register where the non-attendance is related to coronavirus.

Regulation 2(2) amends regulation 6 of the 2006 Regulations to insert a requirement to record a pupil as not attending in circumstances relating to coronavirus where the non-attendance takes place in the school year 2020-21 and the pupil’s travel to or presence at the school would be contrary to specified guidance or legislation relating to the incidence or transmission of coronavirus.

Regulation 3 requires the Secretary of State to review the amendments during the period ending with 31st August 2021.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).