
WELSH STATUTORY INSTRUMENTS

2020 No. 1609

**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales) Regulations 2020**

PART 6

Provision of education in school

Provision of education in school to certain pupils when school premises are closed

22.—(1) Paragraph (3) applies in relation to a relevant pupil if—

- (a) the premises of the school at which the pupil is registered are closed to that pupil for a period of at least 3 consecutive school days, and
- (b) the closure is a response to a threat to public health posed by the incidence and spread of coronavirus.

(2) For the purposes of paragraph (1), “relevant pupil” means a registered pupil—

- (a) who the local authority which maintains the school at which the pupil is registered considers is the child of a critical worker, or
- (b) who the proprietor of the school at which the pupil is registered considers should attend school by reason of the pupil's vulnerability.

(3) The proprietor of the school at which the pupil is registered must make arrangements for the pupil to attend the premises of a school for the purpose of the provision of education on the third and each subsequent school day of the period during which the premises of the school at which the pupil is registered are closed.

(4) But paragraph (3) does not apply if, on the school day in question—

- (a) the pupil is required to not leave or be outside of the place where the pupil is living by virtue of regulation 6(2), 7(2), 8(2) [^{F1}or 9(2)], or
- (b) the pupil is otherwise isolating having been—
 - (i) notified by means of the NHS Covid 19 smartphone app developed and operated by the Secretary of State, or
 - (ii) advised to do so by the proprietor of the school at which the pupil is registered or by a childcare provider.

(5) In determining, for the purposes of paragraph (1)(a), whether the premises of a school are closed to a pupil, the fact that those premises may be open by virtue of paragraph (3) is to be disregarded.

(6) In deciding whether a pupil is the child of a critical worker, the local authority must have regard to any guidance published by the Welsh Ministers about identifying children of critical workers.

Status: Point in time view as at 27/02/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, PART 6. (See end of Document for details)

Textual Amendments

- F1** Words in reg. 22(4)(a) substituted (27.2.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2021 \(S.I. 2021/210\)](#), regs. 1(2), **2(5)**

Commencement Information

- I1** Reg. 22 in force at 23.12.2020, see reg. 1(4)

Failure to comply with regulation 22

23. Any failure by a proprietor to comply with regulation 22 is enforceable by an application for an injunction by the Welsh Ministers or the local authority which maintains the school to the High Court or County Court, without notice.

Commencement Information

- I2** Reg. 23 in force at 23.12.2020, see reg. 1(4)

Interpretation of this Part

24. In this Part—

- (a) “maintained nursery school” has the meaning given by section 22(9) of the School Standards and Framework Act 1998 ^{M1};
- (b) “maintained school” has the meaning given by section 20(7) of the School Standards and Framework Act 1998;
- (c) “proprietor” has the meaning given by section 579(1) of the Education Act 1996 ^{M2};
- (d) “pupil” has the same meaning as in section 3 of the Education Act 1996;
- (e) “pupil referral unit” has the meaning given by section 19(2) of the Education Act 1996;
- (f) “registered pupil” has the meaning given by section 434(5) of the Education Act 1996;
- (g) “school” means a maintained school, a maintained nursery school or a pupil referral unit;
- (h) “school day” has the meaning given by section 579(1) of the Education Act 1996.

Commencement Information

- I3** Reg. 24 in force at 23.12.2020, see reg. 1(4)

Marginal Citations

- M1** 1998 c. 31.
M2 1996 c. 56.

Status:

Point in time view as at 27/02/2021.

Changes to legislation:

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