

**2002 No. 408**

**EDUCATION, WALES**

**The Education (Amount to Follow Permanently Excluded Pupil) (Amendment) (Wales) Regulations 2002**

<i>Made</i> - - - - -	<i>6th March 2002</i>
<i>Laid before Parliament</i> -	<i>7th March 2002</i>
<i>Coming into force</i> - -	<i>1st April 2002</i>

In exercise of the powers conferred on the Secretary of State by sections 494 and 569(4) and (5) of the Education Act 1996(a), and having consulted the National Assembly for Wales(b) the Secretary of state for Wales hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Education (Amount to Follow Permanently Excluded Pupil) (Amendment) (Wales) Regulations 2002 and shall come into force on 1st April 2002.

(2) These Regulations apply only in relation to Wales

(3) In these Regulations words used have the same meaning as in the Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999(c) (“the principal Regulations”)

**Amendment of principal Regulations**

2.—(1) The principal Regulations shall be amended as follows in relation to exclusions taking effect, and intermediate authorities ceasing to provide education, on or after 1st April 2002.

(2) In the exception in the definition of “C” in regulation 2 of the principal Regulations for the words “a middle or secondary (including a special) school” there shall be substituted “another school with a different pupil age range”.

6th March 2002

*Paul Murphy*  
Secretary of State for Wales

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(a) 1996 c. 56. Section 494 was substituted by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 128. For the meaning of “regulations” see section 579(1) of the 1996 Act.  
(b) See National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), Schedule 2.  
(c) S.I. 1999/495, as amended by S.I. 2001/870 which applies in relation to England only.

## EXPLANATORY NOTE

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

These Regulations amend the Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999 (“the principal Regulations”) in relation to Wales only. Identical amendments were made for England by the Education (Amount to Follow Permanently Excluded Pupil) (Amendment) (England) Regulations 2001 (S.I. 2001/870 with effect from 1st April 2001).

Regulation 2 of the principal Regulations sets out a formula for determining the amount to be paid by one local education authority to another when a pupil permanently excluded from a school maintained by that authority is, in the same financial year, provided with education by the other authority. That regulation also deals with the situation where a pupil is permanently excluded and, in the same financial year, is first provided by another local education authority (“the intermediate authority”) with education in a pupil referral unit or otherwise than at school; the intermediate authority, in that same financial year, then cease to provide him with education and he is provided with education by yet another local education authority.

Part of the calculation involves “C” being the number of complete weeks remaining in the financial year calculated from the relevant date (in the more usual case this is the date that the permanent exclusion takes effect).

Where the pupil is permanently excluded, or the intermediate authority cease to provide education, on or after 1st April in a school year at the end of which the pupil would normally have left the school to transfer to a middle or secondary school, “C” is instead defined in the principal Regulations as the number of complete weeks left in the school year. These Regulations amend that definition so as to refer to a transfer at the end of the school year to any school with a different pupil age range. The principal Regulations, as amended, will accordingly also cover an exclusion on or after 1st April in a school year at the end of which pupils would normally have transferred from an infants to a junior school.

The amendments have effect where the exclusion takes effect, or the intermediate authority cease to provide education, on or after 1st April 2002.

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