STATUTORY INSTRUMENTS

2009 No. 1301

EDUCATION, ENGLAND

The Education (Areas to which Pupils and Students Belong) (Amendment) (England) Regulations 2009

Made - - - -	*21st May 2009*
Laid before Parliament	*28th May 2009*
Coming into force - -	*24th June 2009*

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 569(4) and 579(4) of the Education Act 1996(**a**).

Citation, commencement and application

1.—(1) These regulations may be cited as the Education (Areas to which Pupils and Students Belong) (Amendment) (England) Regulations 2009 and come into force on 24th June 2009.

(2) The amendments made by these Regulations have effect only in relation to the application of the Education (Areas to which Pupils and Students Belong) Regulations 1996(**b**) to local education authorities in England.

Amendment of the Education (Areas to which Pupils and Students Belong) Regulations 1996

2.—(1) The Education (Areas to which Pupils and Students Belong) Regulations 1996 are amended as follows.

(2) In regulation 2(1), omit—

> ""further education student" means a person in respect of whom provision for further education is made;".

(3) In regulation 2, after paragraph (3) insert—

> "(4) These Regulations do not apply for the purpose of determining which authority's area a child is in for the purposes of section 321(3)(**c**) of the Education Act 1996.".

(4) In regulation 3(a), omit—

> "other than a further education student" and "and".

(5) Omit paragraph (b) of regulation 3.

(**a**) 1996 c. 56. For the meaning of "regulations", see section 579(1).
(**b**) S.I. 1996/615 as amended by S.I. 1997/597.
(**c**) Section 321(3)(a) is amended by section 140(1) of, and paragraph 76(a) of Schedule 30 to, the School Standards and Framework Act 1998 (c.31), and section 215(1) of, and paragraph 42 of Schedule 21 to, the Education Act 2002 (c.32). Section 321(3)(b) was inserted by section 140(1) of, and paragraph 76(b) of Schedule 30 to, the School Standards and Framework Act 1998 and amended by section 215(1) of, and paragraph 42 of Schedule 21 to, the Education Act 2002.

(6) In each of regulations 4(2)(a), 5(2)(a) and 7(2)(a), for "Part III of the Education Act 1993", substitute "Part 4 of the Education Act 1996".

(7) In regulation 4(2)(b), for "section 50(1) of the Education Act 1944," substitute "section 514(1)(**a**) of the Education Act 1996".

(8) In each of regulations 6(2)(b) and 7(2)(c), for "section 298(1) of the Education Act 1993", substitute "section 19(1)(**b**) of the Education Act 1996".

(9) In regulation 7(1), after the words "other regulation", add—

"in these Regulations".

(10) In regulation 7(2)—

(a) omit "or" at the end of sub-paragraph (c), and

(b) omit sub-paragraph (d).

(11) Omit regulations 8, 9, 10 and 11.

Sarah McCarthy-Fry
Parliamentary Under Secretary of State
Department for Children, Schools and Families

21st May 2009

(**a**) Section 514 is amended by section 140(1) of, and paragraph 135 of Schedule 30, to the School Standards and Framework Act 1998.
(**b**) Section 19(1) is amended by section 47(2) and 57(4) of, and Schedule 8 to, the Education Act 1996.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Education (Areas to which Pupils and Students Belong) (Amendment) (England) Regulations 2009 amend the Education (Areas to which Pupils and Students Belong) Regulations 1996 ("the Principal Regulations").

Regulations 2(2), 2(4), 2(5), 2(10) and 2(11) remove references to further education students in regulations 2(1) and 3(a) of the Principal Regulations and revoke regulations 3(b), 7(2)(d), 8, 9 and 10 of those Regulations. The effect of this is that the Principal Regulations will cease to make special provision about the areas to which further education students are to be treated as belonging. Regulation 2(11) also revokes regulation 11 of the Principal Regulations, which makes provision for the Education (Areas to which Pupils and Students Belong) Regulations 1989(**a**) to continue to apply for specified payments, as it is no longer needed.

Regulation 2(3) amends regulation 2 of the Principal Regulations to provide that those Regulations do not apply for the purpose of determining the education authority responsible for identifying, assessing, making and maintaining statements and performance of other functions under Part 4 of the Education Act 1996 relating to children with special educational needs.

Regulations 2(6) to (8) amend various regulations in the Principal Regulations by substituting references to current legislation for references to legislation that is no longer in existence.

Regulation 2(9) amends regulation 7 of the Principal Regulations to make clear that the regulation applies to the exclusion of other regulations in the Principal Regulations only.

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(**a**) S.I. 1989/2037.

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