STATUTORY INSTRUMENTS

1983 No. 260

EDUCATION, ENGLAND AND WALES

The Education (Areas to which Pupils belong) (Amendment) Regulations 1983

Made - - - - -	28*th February* 1983
Laid before Parliament	10*th March* 1983
Coming into Operation	1*st April* 1983

In exercise of the powers conferred on the Secretary of State by sections 35(4) and 38(5) of the Education Act 1980**(a)**, the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:—

1. These Regulations may be cited as the Education (Areas to which Pupils belong) (Amendment) Regulations 1983 and shall come into operation on 1st April 1983.

2. In these Regulations a reference to the principal Regulations is a reference to the Education (Areas to which Pupils belong) Regulations 1980**(b)**.

3.—(1) Regulation 2(1) of the principal Regulations (interpretation) shall be amended as hereinafter provided.

(2) The definition of the expression "handicapped pupil" shall be omitted therefrom.

(3) For the definition of the expression "hospital" there shall be substituted the following definition:—

> " "hospital" includes a nursing home or other establishment (not being a school) for the care of persons who are sick or disabled (including pupils whose sickness or disability makes special educational provision requisite) and, in relation to such an establishment, "patient" includes any sick or disabled person cared for therein;".

(a) 1980 c. 20, extended by paragraph 10 of Schedule 10 to the Local Government, Planning and Land Act 1980 (c. 65).

(b) S.I. 1980/917, amended by S.I. 1980/1862.

4. For the heading to, and paragraph (1) of, Regulation 11 of the principal Regulations (handicapped pupils at boarding schools) there shall be substituted the following heading and provisions:—

"*Pupils with special educational needs at boarding schools*

11.—(1) This Regulation shall apply in the case of such a school pupil as is mentioned in paragraph (1A) who—

(*a*) attends a boarding school, and

(*b*) does not spend his holidays with the person responsible for him.

(1A) The pupil referred to in paragraph (1) is one for whom a statement of special educational needs is maintained under the Education Act 1981**(a)** or who is taken to have such needs in pursuance of the transitional provisions contained in—

(*a*) paragraphs 2 and 3 of Schedule 2 to that Act, or

(*b*) paragraphs 1(1) and (2) and 2(1) and (3) of the Schedule to the Education Act 1981 (Commencement No. 2) Order 1983**(b)**.".

5. Regulation 12 of the principal Regulations (school pupils in hospital) shall cease to apply only in the case of a pupil who receives education in the hospital in which he resides and, accordingly, for the heading thereto and paragraph (1) thereof there shall be substituted the following heading and provision:—

"*School pupils resident in hospital*

12.—(1) This Regulation shall apply in the case of a school pupil who receives education while residing as a patient in a hospital.".

6.—(1) In Regulation 19(1) of the principal Regulations (boarding school pupils whose circumstances change)—

(*a*) for the words "a handicapped pupil" there shall be substituted the words "one mentioned in paragraph (1A), and

(*b*) the words "section 33 of the Education Act 1944 or" shall be omitted from sub-paragraph (*b*).

(a) 1981 c. 60.

(b) S.I. 1983/7.

(2) After the said Regulation 19(1) there shall be inserted the following provision:—

"(1A) This Regulation shall not apply in the case of a pupil for whom a statement of special educational needs is maintained under the Education Act 1981 or who is taken to have such needs in pursuance of the transitional provisions contained in—

(*a*) paragraphs 2 and 3 of Schedule 2 to that Act, or
(*b*) paragraphs 1(1) and (2) and 2(1) and (3) of the Schedule to the Education Act 1981 (Commencement No. 2) Order 1983.".

Keith Joseph,
Secretary of State for
Education and Science.

28th February 1983.

Nicholas Edwards,
Secretary of State for Wales.

28th February 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Education (Areas to which Pupils belong) Regulations 1980; they come into operation on 1st April 1983, the date on which the Education Act 1981 comes fully into force.

The Act of 1981 does not use the expression "handicapped pupil" and provisions of the 1980 Regulations in which the expression occurs are amended (*Regulations 3, 4 and 6*). Other amendments are mentioned below.

In relation to an establishment for the care of persons who are sick or disabled (which falls within the definition of the expression "hospital"), it is provided that "patient" includes any person cared for therein (*Regulation 3(3)*).

Regulation 12 of the 1980 Regulations (school pupils in hospital) applies only in the case of pupils who receive education in the hospital in which they reside; this limitation on the application of the Regulation is removed (*Regulation 5*).

The reference in Regulation 19(1) of the 1980 Regulations to section 33 of the Education Act 1944 (c. 31) (which is repealed by the Education Act 1981) is omitted (*Regulation 6(1)(b)*).

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