WELSH STATUTORY INSTRUMENTS

2007 No. 1069 (W.109)

EDUCATION, WALES

The Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007

Made - - - -	*27 March 2007*
Coming into force - -	*23 April 2007*

In the exercise of its powers under section 569(4) and (5) of, and paragraph 3 of Schedule 1 to, the Education Act 1996(**1**), the National Assembly for Wales hereby makes the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007 and they come into force on 23 April 2007.

(2) These Regulations apply in relation to units in Wales.

(3) In these Regulations "units" means pupil referral units.

Revocation

2. The Education (Pupil Referral Units) (Application of Enactments) Regulations 1994(**2**) and the Education (Pupil Referral Units) (Application of Enactments) (Amendment) Regulations 1996(**3**) are revoked.

Application and modification of enactments

3. The enactments mentioned in Schedule 1 to these Regulations apply in relation to units with the modifications prescribed in that Schedule.

Disapplication of enactments

4. The enactments mentioned in Schedule 2 to these Regulations do not apply in relation to units.

(**1**) 1996 c. 56. The powers were conferred upon the Secretary of State: see the definition of "regulations" in section 579 of the 1996 Act. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672), the powers are exercisable by the Assembly in relation to Wales.

(**2**) S.I. 1994/2103.

(**3**) S.I. 1996/2087.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**4**)

D. Elis-Thomas
27 March 2007 The Presiding Officer of the National Assembly

(**4**) 1998 c. 38.

SCHEDULE 1 Regulation 3

ENACTMENTS APPLYING (WITH OR WITHOUT MODIFICATIONS) IN RELATION TO UNITS

PART 1

Primary Legislation

Education Act 1996

1. Section 404 of the Education Act 1996(**5**) applies in relation to the teacher in charge of a unit as it applies in relation to the governing body of a maintained school, but only in relation to pupils who are provided with secondary education at the unit.

2. Section 405 of that Act applies in relation to units as it applies in relation to maintained schools with the modification that the words ", except so far as such education is comprised in the National Curriculum," are omitted.

3. Section 559 of that Act(**6**) applies in relation to a child who is a registered pupil at a unit as it applies in relation to a child who is a registered pupil at a community, foundation, voluntary or special school.

School Standards and Framework Act 1998

4.—(1) Section 19 of the School Standards and Framework Act 1998(**7**) applies in relation to units as it applies in relation to maintained schools in Wales with the following modifications.

(2) Subsection (1) applies if at any time the circumstances set out in section 15(6) of that Act apply in relation to a unit.

(3) In subsection (2) the reference to the governing body in paragraph (a) is omitted, and paragraphs (b) and (c) are omitted.

(4) In subsection (3) the reference to the governing body is omitted.

5. Section 61 of that Act applies in relation to units as it applies in relation to maintained schools in Wales (within the meaning of Part II of that Act) with the modification that for references to the governing body there are substituted references to the management committee of the unit or, in the case of a unit not having a management committee, the local education authority.

6. Subsections (1), (2) and (4) of section 62 of that Act apply in relation to units as they apply in relation to maintained schools (within the meaning of Part II of that Act) with the modifications that—

(a) the reference in subsection (2)(b) to the governing body is a reference to the teacher in charge of the unit, and

(b) the reference in subsection (4) to the governing body is omitted.

(**5**) Section 404 was amended by paragraph 103 of Schedule 30, and Schedule 31 to, the School Standards and Framework Act 1998 (c. 31), and section 148(1) and (6) of the Learning and Skills Act 2000 (c. 21).
(**6**) Section 559 was amended by paragraph 171 of Schedule 30 to the School Standards and Framework Act 1998.
(**7**) 1998 c. 31. Section 19 was amended by section 149 of, and paragraph s 1 and 79 of the Learning and Skills Act 2000 (c. 21) and by section 45 of the Education Act 2005.