WELSH STATUTORY INSTRUMENTS

2003 No. 3237 (W.317)

EDUCATION, WALES

The Education (Information About Individual Pupils) (Wales) Regulations 2003

Made - - - -	*9th December 2003*
Coming into force - -	*31st December 2003*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 537A(1), (2) and (4) and 569(4) and (5) of the Education Act 1996(**1**) and now vested in the National Assembly for Wales(**2**):

Name, commencement, application and revocation

1.—(1) These Regulations are called the Education (Information About Individual Pupils) (Wales) Regulations 2003 and come into force on 31st December 2003.

(2) These Regulations apply in relation to Wales.

(3) The Education (Information About Individual Post-16 Pupils) (Wales) Regulations 2003(**3**) are revoked.

Interpretation

2. In these Regulations—

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996;

"child looked after by a local authority" ("*plentyn sy'n derbyn gofal gan awdurdod lleol*") has the meaning assigned to it by section 22(1) of the Children Act 1989(**4**);

"learning activity reference" ("*cyfeirnod gweithgaredd dysgu*") means a combination of numbers which together with a letter are allocated to a course of study or other learning activity and are particular to that course or learning activity, determined by the National Council for Training and Education for Wales;

(**1**) 1996 c. 56. Section 537A was inserted by the Education Act 1997 (1997 c. 44), section 20, and substituted by the School Standards and Framework Act 1998 (1998 c. 31), section 140(1) and Schedule 30, paragraphs 57 and 153. For the meaning of "prescribed" and "regulations" *see* section 579(1) of the 1996 Act.
(**2**) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).
(**3**) S.I. 2003/2453 (W.237).
(**4**) 1989 c. 41.

"permanently excluded" ("*wedi'i wahardd yn barhaol*") in relation to a pupil means a pupil who has been permanently excluded from a school on disciplinary grounds;

"permanent exclusion date" ("*dyddiad gwahardd parhaol*") means the date on which the name of a permanently excluded pupil is deleted from the Register;

"Register" ("*Cofrestr*") means the register of pupils kept under section 434 of the 1996 Act and in accordance with the Education (Pupil Registration) Regulations 1995(**5**);

"sixth form pupil" ("*disgybl chweched dosbarth*") means a pupil in respect of whose education the National Council for Training and Education for Wales may make a grant to the local education authority under section 36 of the Learning and Skills Act 2000(**6**);

"special school" ("*ysgol arbennig*") has the meaning given by section 337 of the 1996 Act(**7**); and

"unique pupil number" ("*Rhif unigryw disgybl*") means a combination of numbers which together with a letter or letters are allocated to a pupil and are particular to that pupil, by use of a formula determined by the National Assembly for Wales.

Provision of information by schools maintained by local education authorities to their local education authorities

3. Within fourteen days of receiving a request in writing from the local education authority by which a school is maintained, the governing body must provide to the authority such of the information referred to in the Schedule to these Regulations as is so requested.

Prescribed Persons

4.—(1) For the purposes of section 537A(4) of the 1996 Act, the National Assembly for Wales prescribes as a person to whom it may provide individual pupil information —

(a) any person referred to in paragraph (2) below; and

(b) any person falling within the category referred to in paragraph (3) below.

(2) The persons referred to in paragraph (1)(a) above are —

(a) the local education authority which maintains the school at which the pupil who is the subject of that information is or was registered or, in the case of a school which is not so maintained, the local education authority for the area in which the school is situated, at which the pupil who is the subject of that information is or was registered;

(b) the National Council for Training and Education for Wales;

(c) Local Government Data Unit-Wales; and

(d) the Careers Wales companies established to provide careers services in Wales under sections 2, 8, 9 and 10 of the Employment and Training Act 1973(**8**).

(3) The category referred to in paragraph (1)(b) above is that of persons conducting research into the educational achievements of pupils and who require individual pupil information for that purpose.

(**5**) S.I. 1995/2089.
(**6**) 2000 c. 21.
(**7**) Section 337 was substituted by the School Standards and Framework Act 1998 (c. 31), section 140(1) and Schedule 30, paragraphs 57 and 80.
(**8**) 1973 c. 50. Section 2 was substituted by section 25(1) of the Employment Act 1988 and sections 8, 9 and 10 were substituted by section 45 of the Trade Union Reform and Employment Rights Act 1993 (c. 19).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**9**).

D. Elis-Thomas

9th December 2003 — The Presiding Officer of the National Assembly

(**9**) 1998 c. 38.