WELSH STATUTORY INSTRUMENTS

2003 No. 3230 (W.310)

EDUCATION, WALES

The Independent Schools (Provision of Information) (Wales) Regulations 2003

Made - - - -	*9th December 2003*
Coming into force - -	*1st January 2004*

In exercise of the powers conferred on the National Assembly for Wales by sections 160(1), 168 and 210(7) of the Education Act 2002(**1**), the National Assembly for Wales makes the following Regulations:

Name, commencement and application

1.—(1) These Regulations are called the Independent Schools (Provision of Information) (Wales) Regulations 2003 and come into force on 1st January 2004.

(2) These Regulations apply to Wales.

Interpretation

2.—(1) In these Regulations —

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996(**2**);

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002;

"application" ("*cais*") means an application to the registration authority for the registration of an independent school made by the proprietor pursuant to section 160(1)(b) of the 2002 Act;

"proprietor" ("*perchennog*") has the same meaning as in section 579 of the 1996 Act;

"school" ("*ysgol*") means an independent school as defined by section 463 of the 1996 Act;

"the register" ("*y gofrestr*") means the register of independent schools kept by the registration authority under section 158(3) of the 2002 Act; and

"registered school" ("*ysgol gofrestredig*") means a school whose name is entered in the register.

(2) Any reference in these Regulations to a person employed at a school is a reference to a person carrying out work to which section 142 of the 2002 Act applies.

(**1**) 2002 c. 32. *See* section 212(1) for the definition of "regulations", by virtue of which these regulations made by the National Assembly for Wales apply only in relation to Wales. Section 212(1) also defines "prescribed".
(**2**) 1996 c. 56.

Application for registration of an independent school

3. Every application must —

(a) be made in writing;

(b) state the first date on which the school intends to admit pupils;

(c) contain the information specified in Part 2 of the Schedule; and

(d) contain a certificate signed by the proprietor that, to the best of his or her knowledge and belief, the statements made in the application are accurate.

Return within the first three months of operation

4. The proprietor of a registered school must deliver to the registration authority within three months of the admission of pupils, or one pupil if that pupil is within section 463(1)(b) of the 1996 Act, a return in writing which must contain —

(a) the information specified in Part 3 of the Schedule; and

(b) a certificate signed by the proprietor, or by a person authorised by him or her to give the certificate on his or her behalf, that, to the best of his or her knowledge and belief, the statements made in the return are accurate.

Annual return

5.—(1) In every school year the proprietor of a registered school must deliver to the registration authority an annual return for that school within one month of being requested to do so by the registration authority.

(2) Each annual return must —

(a) be provided in writing;

(b) be made up to the date specified by the registration authority;

(c) contain the information specified in Part 4 of the Schedule; and

(d) contain a certificate signed by the proprietor or by a person authorised by him or her to give the certificate on his or her behalf that, to the best of his or her knowledge and belief, the statements made in the annual return are accurate.

Misconduct reports

6. The proprietor of a registered school must, within 15 days of a request, provide the National Assembly for Wales with such information as may be requested by it which it considers is relevant to the exercise of its functions or the Secretary of State's functions under section 142 of the 2002 Act, and which has not already been provided under the Education (Supply of Information) (Wales) Regulations 2003(**3**).

Removal of a school from the register

7. If the registration authority is satisfied that the proprietor of a school has failed to comply with any requirement specified in regulation 4, 5 or 6, it may remove that school from the register.

(**3**) S.I.2003/542 (W.76).

Offence

8. If the proprietor of a school fails to comply with any requirement specified in regulation 4, 5 or 6 he or she is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Maximum number for existing schools

9. In relation to any school which was registered before 1st January 2004, "the maximum number of pupils" for the purposes of section 162 of the 2002 Act is to become, on the date to which the 2004 annual return is made up, the number of pupils registered at the school on that date.

Revocation

10. The Education (Particulars of Independent Schools) Regulations 1997(**4**) are revoked in relation to Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**5**).

D. Elis-Thomas
9th December 2003 — The Presiding Officer of the National Assembly

(**4**) S.I. 1997/2918.
(**5**) 1998 c. 38.