



School Standards and Framework Act 1998

1998 CHAPTER 31

PART II **E+W**

NEW FRAMEWORK FOR MAINTAINED SCHOOLS

CHAPTER VI **E+W**

RELIGIOUS EDUCATION AND WORSHIP

Exceptions and special arrangements etc.

71 Exceptions and special arrangements; provision for special schools. **E+W**

[^{F1}(1) If the parent of a pupil at a community, foundation or voluntary school requests that he may be wholly or partly excused from receiving religious education given at the school in accordance with the school's basic curriculum, the pupil shall be so excused until the request is withdrawn.

(1A) If the parent of any pupil at a community, foundation or voluntary school other than a sixth-form pupil requests that he may be wholly or partly excused from attendance at religious worship at the school, the pupil shall be so excused until the request is withdrawn.

(1B) If a sixth-form pupil requests that he may be wholly or partly excused from attendance at religious worship at a community, foundation or voluntary school, the pupil shall be so excused.]

(2) In [^{F2}subsections (1) to (1B)]—

- (a) the reference to religious education given in accordance with the school's basic curriculum is to such education given in accordance with the provision

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included in the school's basic curriculum by virtue of [^{F3}section 80(1)(a) or 101(1)(a) of the Education Act 2002], and

- (b) the reference to religious worship in the school includes religious worship which by virtue of paragraph 2(6) of Schedule 20 takes place otherwise than on the school premises.

- (3) Where in accordance with subsection (1) [^{F4}or (1A)] a pupil has been wholly or partly excused from receiving religious education or from attendance at religious worship and the local education authority are satisfied—

- (a) that the parent of the pupil desires him to receive religious education of a kind which is not provided in the school during the periods of time during which he is so excused,
- (b) that the pupil cannot with reasonable convenience be sent to another community, foundation or voluntary school where religious education of the kind desired by the parent is provided, and
- (c) that arrangements have been made for him to receive religious education of that kind during school hours elsewhere,

the pupil may be withdrawn from the school during such periods of time as are reasonably necessary for the purpose of enabling him to receive religious education in accordance with the arrangements.

- (4) A pupil may not be withdrawn from school under subsection (3) unless the local education authority are satisfied that the arrangements there mentioned are such as will not interfere with the attendance of the pupil at school on any day except at the beginning or end of a school session (or, if there is only one, the school session) on that day.

- (5) Where the parent of a pupil who is a boarder at a community, foundation or voluntary school [^{F5}and is not a sixth-form pupil] requests that the pupil be permitted—

- (a) to receive religious education in accordance with the tenets of a particular religion or religious denomination outside school hours, or
- (b) to attend worship in accordance with such tenets on Sundays or other days exclusively set apart for religious observance by the religious body to which his parent belongs,

the governing body shall make arrangements for giving the pupil reasonable opportunities for doing so.

- [^{F6}(5A) Where a sixth-form pupil who is a boarder at a community, foundation or voluntary school requests that he be permitted—

- (a) to receive religious education in accordance with the tenets of a particular religion or religious denomination outside school hours, or
- (b) to attend worship in accordance with such tenets on Sundays or other days exclusively set apart for religious observance by the religious body to which the pupil belongs,

the governing body shall make arrangements for giving the pupil reasonable opportunities for doing so.]

- (6) Arrangements under subsection (5) [^{F7}or (5A)] may provide for making facilities for such education or worship available on the school premises, but any expenditure entailed by the arrangements shall not be met from the school's budget share or otherwise by the local education authority.

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[^{F8}(7) Regulations shall make provision for ensuring that, so far as practicable, every pupil attending a community or foundation special school—

- (a) receives religious education unless withdrawn from receiving such education in accordance with the wishes of his parent, and
- (b) attends religious worship unless withdrawn from attendance at such worship—
 - (i) in the case of a sixth-form pupil, in accordance with his own wishes, and
 - (ii) in any other case, in accordance with the wishes of his parent.]

[^{F9}(8) In this section “sixth-form pupil” means any pupil who—

- (a) has ceased to be of compulsory school age, and
- (b) is receiving education suitable to the requirements of pupils over compulsory school age.]

Textual Amendments

- F1** S. 71(1)-(1B) substituted for s. 71(1) (1.9.2007 for E., 9.2.2009 for W.) by Education and Inspections Act 2006 (c. 40), ss. 55(2), 188(3); S.I. 2007/1801, art. 3(b); S.I. 2009/49, art. 2
- F2** Words in s. 71(2) substituted (1.9.2007 for E., 9.2.2009 for W.) by Education and Inspections Act 2006 (c. 40), ss. 55(3), 188(3); S.I. 2007/1801, art. 3(b); S.I. 2009/49, art. 2
- F3** Words in s. 71(2)(a) substituted (1.10.2002 for E. for specified purposes, 19.12.2002 for W., 1.3.2003 for E. so far as not already in force) by Education Act 2002 (c. 32), ss. 215(1), 216, Sch. 21 para. 105 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3, (with Sch.); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 2
- F4** Words in s. 71(3) inserted (1.9.2007 for E., 9.2.2009 for W.) by Education and Inspections Act 2006 (c. 40), ss. 55(4), 188(3); S.I. 2007/1801, art. 3(b); S.I. 2009/49, art. 2
- F5** Words in s. 71(5) inserted (1.9.2007 for E., 9.2.2009 for W.) by Education and Inspections Act 2006 (c. 40), ss. 55(5), 188(3); S.I. 2007/1801, art. 3(b); S.I. 2009/49, art. 2
- F6** S. 71(5A) inserted (1.9.2007 for E., 9.2.2009 for W.) by Education and Inspections Act 2006 (c. 40), ss. 55(6), 188(3); S.I. 2007/1801, art. 3(b); S.I. 2009/49, art. 2
- F7** Words in s. 71(6) inserted (1.9.2007 for E., 9.2.2009 for W.) by Education and Inspections Act 2006 (c. 40), ss. 55(7), 188(3); S.I. 2007/1801, art. 3(b); S.I. 2009/49, art. 2
- F8** S. 71(7) substituted (25.6.2007 for E., 9.2.2009 for W.) by Education and Inspections Act 2006 (c. 40), ss. 55(8), 188(3); S.I. 2007/1801, art. 2; S.I. 2009/49, art. 2
- F9** S. 71(8) inserted (25.6.2007 for E., 9.2.2009 for W.) by Education and Inspections Act 2006 (c. 40), ss. 55(9), 188(3); S.I. 2007/1801, art. 2; S.I. 2009/49, art. 2

Commencement Information

- I1** S. 71 wholly in force at 1.9.1999; s. 71 not in force at Royal Assent see s. 145(3); s. 71(7) in force at 1.10.1998 by S.I. 1998/2212, art. 2, Sch. 1, Pt. I; s. 71 in force at 1.9.1999 in so far as not already in force by S.I. 1999/2323, art. 2(1), Sch. 1 (with arts. 3-5, Schs. 5-7).

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