

2007 No. 1860

EDUCATION, ENGLAND

**The Education (Special Educational Needs) (England)
(Consolidation) (Amendment) Regulations 2007**

Made - - - - *25th June 2007*
Laid before Parliament *5th July 2007*
Coming into force - - *1st September 2007*

The Secretary of State, in exercise of the powers conferred by section 71(7) of the School Standards and Framework Act 1998(a), makes the following Regulations:

Citation, commencement and application

- 1.—(1) These Regulations may be cited as the Education (Special Educational Needs) (England) (Consolidation) (Amendment) Regulations 2007 and come into force on 1st September 2007.
(2) These Regulations apply in relation to England only.

Amendment of Regulations

2. For regulation 5A of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001(b), substitute the following—

“Religious Education

5A. Arrangements shall be made to ensure that, so far as practicable, every pupil attending a maintained 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- (a) receives religious education unless withdrawn from receiving such education in accordance with the wishes of his parent; and
- (b) attends religious worship unless withdrawn from attendance at such worship—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.”

25th June 2007

Jim Knight
Minister of State
Department for Education and Skills

(a) 1998 c. 31. Section 71 was amended by the Education Act 2002 (2002 c. 32), Schedule 21, paragraph 105. Section 71(7) is substituted by section 55 (8) of the Education and Inspections Act 2006 (2006 c. 40) which comes into force on 25th June 2007. For the meaning of regulations see section 142(1).
(b) SI 2001/3455. Regulation 5A was inserted by SI 2006/3346. Other amendments have been made to these Regulations which are not relevant to this amendment.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 (the “principal Regulations”) by substituting a new regulation 5A. They come into force on 1st September 2007. The change it makes from the previous regulation is to allow sixth form pupils (defined in section 71(8) of the School Standards and Framework Act 1998) to withdraw from religious worship at special schools. This aligns the law with that for mainstream schools in section 71 of the School Standards and Framework Act 1998 as inserted by section 55 of the Education and Inspections Act 2006 which also comes into force on 1st September 2007.

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