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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This is the sixth commencement order made by the Secretary of State under the Education and Skills Act 2008 (“the Act”).

Article 2 commences, on 30th March 2010, sections 142, 144 and 145 of the Act; paragraph 74 of Schedule 1 to the Act; Schedule 2 to the Act so far as it repeals the word ‘his’ in section 342(1) of the Education Act 1996 and section 169(2) so far as it relates to that repeal; and section 154 of the Act for the purpose of making regulations.

Section 142 changes the definition of special schools in section 337 of the Education Act 1996<sup>(1)</sup> (“the 1996 Act”) and amends section 342 of that Act to provide that non-maintained special schools in Wales are approved by Welsh Ministers. Non-maintained special schools in England continue to be approved by the Secretary of State.

Sections 143, 144 and 145 apply to non-maintained special schools in England.

Section 143 amends section 342 of the 1996 Act to provide that regulations must make provision for securing that, so far as is practicable, all pupils attending non-maintained special schools receive religious education and attend religious worship. Regulations must also make provision enabling pupils to be withdrawn from religious education and collective worship in accordance with the wishes of their parents, and for sixth-form pupils to withdraw from collective worship.

Sections 144 and 145 insert new sections 342A, 342B and 342C into the 1996 Act. These enable provision to be made in regulations for applications by the Secretary of State to a justice of the peace in urgent cases for an order that a non-maintained special school cease to be approved, and for an appeal to the First-tier Tribunal by the proprietor of a non-maintained special school against a decision by the Secretary of State or an Order by a Justice of the Peace that a non-maintained special school cease to be approved.

Paragraph 74 of Schedule 1 amends section 72(2) of the Welfare Reform Act 1999 to enable a county council in England to provide social security information to the Secretary of State.

Support services for participation in education or training for young people (“Connexions” services) are now provided by local authorities (or by persons with whom local authorities have entered into arrangements) under Part 2 of the Act. One consequence of this is that, where a county council is a single tier authority, a county council may be obliged to make Connexions services available.

Connexions providers obtain certain social security information in the course of exercising certain social security functions, conferred under other legislation. Social security information can pass between the Secretary of State and Connexions providers under regulations made under section 72 of the Welfare Reform and Pensions Act 1999. However, information may only be passed by persons within subsection (2).

Section 154 applies to maintained schools in England. It inserts a new section 29A into the Education Act 2002. Section 29A enables a governing body of a maintained school to require a pupil to attend a place outside the school premises for the purpose of receiving educational provision to improve their behaviour. The section is commenced for the purpose of making regulations relating to the exercise of the power.

Article 3 commences, on 1st September 2010, the remainder of section 154 of the Act.

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(1) 1996 c.56.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.