



# Education and Skills Act 2008

## 2008 CHAPTER 25

### PART 4

#### REGULATION AND INSPECTION OF INDEPENDENT EDUCATIONAL PROVISION IN ENGLAND

### CHAPTER 2

#### SCHOOLS PROVIDING FOR SPECIAL EDUCATIONAL NEEDS

##### *Non-maintained special schools in England*

#### **143 Right of sixth-form pupils to opt out of religious worship**

(1) Section 342 of the Education Act 1996 is amended as follows.

(2) After subsection (5) insert—

“(5A) Regulations shall make provision for securing that, so far as practicable, every pupil attending a school in England that is approved under this section—

- (a) receives religious education unless withdrawn from receiving such education in accordance with the wishes of the pupil's parent, and
- (b) attends religious worship unless withdrawn from attendance at such worship—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

(5B) In subsection (5A) “a sixth-form pupil” means a 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.”

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**Changes to legislation:** *Education and Skills Act 2008, Section 143 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(3) In subsection (6) for “special school” substitute “ school in Wales that is ”.

**Commencement Information**

**II** S. 143 in force at 30.3.2010 by [S.I. 2010/1093](#), **art. 2(a)**

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[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 143(3) omitted by [2018 anaw 2 Sch. 1 para. 15\(2\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 91(3)(c) inserted by [2022 asc 1 Sch. 4 para. 22\(3\)](#)