
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 2 of the Education Act 2002 (“the Act”).

Article 3(a) (in relation to School, and the local authority in arranging admission to the School) relaxes the requirement in section 316A(2)(c) of the Education Act 1996 for there to be a change in a child’s circumstances before a child with a special educational need can be admitted to the School, and so relaxes the requirement to be educated in a mainstream school to the case where he is admitted to a special school but without there being a change in his circumstances.

Article 3(b) similarly relaxes the requirement in regulation 12A(1) of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 that only children with a statement of special needs can be permanently admitted to a maintained special school.

Article 5 modifies those provisions (section 316A(2)(c) and regulation 12A(1)) in relation to the head teacher of the School so that the requirement for there to be a change in circumstances does not apply.

Article 6 modifies those provisions (section 316A(2)(c) and regulation 12A(1)) in relation to other local education authorities arranging admission of a child to the School so that the requirement for there to be a change in circumstances does not apply.

Article 7 modifies the application of regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 ([S.I. 2006/1751](#)) to allow a pupil at the School to remain on the register of another school where the proprietors of both schools, the local authority and the parent agree.

Article 8 modifies the application of regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 ([S.I. 2006/1751](#)) so that where a pupil is admitted to the School under Article 3(b) he is automatically deleted from the register after 12 months.

Article 9 is a modification to regulation 12A of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 ([S.I. 2001/3455](#) as amended) as a result of articles 3(2) and 4(2) such that the local authority’s obligation to review the admission to a maintained school of a child without a statement of special educational needs is changed from termly to annually.

This Order remains in force until 16th December 2010, in accordance with the requirement in section 2(2) of the Act that the period must not exceed three years. It may be renewed once for a further period not exceeding three years pursuant to section 3(2).