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STATUTORY INSTRUMENTS

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**1994 No. 652**

**The Education (Special Schools) Regulations 1994**

**PART VI**

**ESTABLISHMENT, ALTERATION AND  
DISCONTINUANCE OF MAINTAINED SPECIAL SCHOOLS**

**Alterations for which notice must be served**

**9.** The following are prescribed as alterations of a maintained special school for which notice of proposals must be served under section 183(6) of the 1993 Act—

- (1) any change in the number, age range or sex of the day or boarding pupils for which the school makes provision;
- (2) any change in the type of special educational needs for which the school makes provision or the type of special educational provision made by the school;
- (3) any significant enlargement of the premises of the school;
- (4) any transfer of the school to a new site unless at the time of transfer the school is intended to return to the existing site within three years.

**Persons on whom notice of establishment, alteration and discontinuance must be served**

**10.** Where a local education authority are required to serve notice of their proposals to establish, alter or discontinue a maintained special school under section 183(6) of the 1993 Act, they shall, in addition to serving notice on the Secretary of State, serve notice on—

- (a) the funding authority (whether or not an order under section 12(1) of the 1993 Act applies to the area of the local education authority in whose area the school is or is proposed to be situated);
- (b) if the proposals will affect the provision of education to which section 2(1) of the Further and Higher Education Act 1992(1) applies, the appropriate further education funding council (as defined in section 1(6) of that Act);
- (c) the governing body of every grant-maintained special school in the area of the local education authority in whose area the school is or is proposed to be situated;
- (d) where the proposals are to alter or discontinue a special school, any local education authority which maintains a statement under section 168 of the 1993 Act in respect of a registered pupil at the school;
- (e) any local education authority whose area adjoins that of the authority in whose area the school is proposed to be situated and, where the proposal is to transfer the school to a site in the area of another authority, adjoining that area;

- (f) where the proposals are to discontinue the school, the registered parent of every registered pupil at the school.

**Information to be given in notice**

**11.** Every notice served by a local education authority under section 183(6) of the 1993 Act shall give the following information—

- (a) the numbers, age group, sex and special educational needs of the pupils (distinguishing boarding and day pupils) for whom provision is currently made or, in the case of a proposed school, is proposed;
- (b) the special educational provision currently made or, in the case of a proposed school, proposed;
- (c) particulars of any alteration proposed, including particulars and location of any new site to which it is proposed to transfer the school;
- (d) the proposed date of implementation of the proposals, if approved;
- (e) the name and address of a person from whom further information regarding the proposals may be obtained;
- (f) an explanation of the procedure for submitting objections to the proposals under section 184(2) of the 1993 Act, including the period within which such objections are to be submitted and the name and address of the person to whom they are to be submitted.
- (g) the name of the authority by whom the notice is served and the date on which it is given.