

**2002 No. 2071**

**EDUCATION ENGLAND**

**Education (Special Educational Needs) (City Colleges)  
(England) Regulations 2002**

*Made* - - - - - *6th August 2002*

*Laid before Parliament* *7th August 2002*

*Coming into force* - - *28th August 2002*

In exercise of the powers conferred upon him by sections 483A(4) and 569(4) of the Education Act 1996(a), the Secretary of State for Education and Skills hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Education (Special Educational Needs) (City Colleges) (England) Regulations 2002 and shall come into force on 28th August 2002.

(2) In these Regulations—

“the Act” means the Education Act 1996;

“approved” means approved by the Secretary of State under section 347(1) of the Act;

“city college” means an Academy, a city technology college or a city college for the technology of the arts(b);

“relevant child” means a child for whom a statement is maintained under section 324(c) of the Act and who attends or proposes to attend a city college; and

“statemented provision” means the special educational provision specified in a statement maintained under section 324 of the Act.

(3) A city college shall also be regarded as approved if the Secretary of State has consented to the relevant child being educated there.

**Payment and Assistance**

2.—(1) A local education authority may pay to an approved city college all or any part of the cost incurred in respect of securing that the statemented provision for a relevant child is made.

(2) A local education authority may provide any other assistance to an approved city college for the purpose of securing that the statemented provision for a relevant child is made.

**Review of Arrangements**

3.—(1) A local education authority shall keep under review the arrangements made under these Regulations.

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(a) 1996 (c. 56) section 483A was inserted by section 133 of the Learning and Skills Act 2000 (c. 21). By virtue of section 483A(7) of the Education Act 1996 the powers conferred by these provisions do not apply to schools in Wales.

(b) Established and maintained under section 482 of the Education Act 1996 which is substituted by section 65 of the Education Act 2002 (c. 32).

(c) Section 324 is amended by paragraph 77 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31).

(2) In doing so the local education authority shall consult the governing bodies of any city college—

- (a) in the authority's area; and
- (b) in any neighbouring local education authority's area to which the authority makes any payment, supplies any goods and services or provides any assistance under these Regulations.

**Precedence of Duty under section 324(5) of the Act**

4. Nothing in these regulations shall effect the duty of a local education authority under section 324(5) of the Act to arrange that the special educational provision specified in a statement is made for a child.

*David Miliband*  
Minister of State,

6th August 2002

Department for Education and Skills

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**EXPLANATORY NOTE**

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

These regulations, which apply only in relation to England, enable a local education authority to make payments and provide assistance to an Academy, a city technology college or a city college for the technology of the arts in respect of a child for whom a statement of special educational needs is maintained, under section 324 of the Education Act 1996.

Such assistance or payments may only be provided if the Academy, city technology college or city college for the technology of the arts has been approved by the Secretary of State as suitable for the admission of children with special educational needs under section 347(1) of the Education Act 1996, or where the Secretary of State has given her consent to the child being educated at the school.

These regulations impose a duty on local education authorities to review the arrangements they make to pay for and assist in the provision of special educational needs of statemented children attending city colleges. In reviewing those functions the authority must consult the governing bodies of any city colleges with whom they make arrangements for providing for pupils' special educational needs in line with a statement maintained for them.

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