



Education Act 1996

1996 CHAPTER 56

PART IV

SPECIAL EDUCATIONAL NEEDS

CHAPTER II

SCHOOLS PROVIDING FOR SPECIAL EDUCATIONAL NEEDS

[^{F1}Approval of non-maintained special schools]

Textual Amendments

F1 S. 342 and crossheading substituted for s. 342 (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 82** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

^{X1}**[^{F2}342 Approval of non-maintained special schools.**

- (1) The [^{F3}Secretary of State] may approve under this section any school [^{F4}in England] which—
 - (a) is specially organised to make special educational provision for pupils with special educational needs, and
 - (b) is not a community or foundation special school [^{F5}or an Academy school], and may give ^{F6}... approval before or after the school is established.
- (2) Regulations may make provision as to the requirements which are to be complied with as a condition of approval under subsection (1) above.
- (3) Any school which was a special school immediately before 1st April 1994 shall be treated, subject to subsection (4) below, as approved under this section.
- (4) Regulations may make provision as to—

Status: Point in time view as at 01/09/2021.

Changes to legislation: Education Act 1996, Cross Heading: Approval of non-maintained special schools is up to date with all changes known to be in force on or before 29 May 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)

- (a) the requirements which are to be complied with by a school while approved under this section, and
 - (b) the withdrawal of approval from a school (including approval treated as given under subsection (3)) at the request of the proprietor or on the ground that there has been a failure to comply with any prescribed requirement.
- (5) Without prejudice to the generality of subsections (2) and (4), the requirements which may be imposed by the regulations include requirements—
- (a) which call for arrangements to be approved by the [^{F7}Secretary of State] , or
 - (b) as to the organisation of any special school as a primary school or as a secondary school.
- [Regulations shall make provision for securing that, so far as practicable, every pupil ^{F8}(5A) 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- (a) receives religious education unless withdrawn from receiving such education in accordance with the wishes of the pupil's parent, and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.]
- ^{F9}(6)]

Editorial Information

- X1** S. 342: With effect from 1.9.1999 s. 342 became subsumed by new cross-heading "Approval of non-maintained special schools". Versions of this provision as it stood at any time before that date cannot be accessed directly by navigation from this version. To view those versions, it is recommended that users either conduct an 'advanced search' specifying an 'as at' date earlier than 1.9.1999 or navigate via the Chapter II heading.

Textual Amendments

- F2** S. 342 and cross-heading substituted for s. 342 (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 82** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F3** Words in s. 342(1) substituted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), **ss. 57(3)(a)(i)**, 100(3); S.I. 2021/373, art. 8(e)
- F4** Words in s. 342(1) inserted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), **ss. 57(3)(a)(ii)**, 100(3); S.I. 2021/373, art. 8(e)
- F5** Words in s. 342(1)(b) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 37**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F6** Word in s. 342(1) repealed (30.3.2010) by Education and Skills Act 2008 (c. 25), ss. 142(3)(b), 173(4), **Sch. 2**; S.I. 2010/1093, art. 2(a)(c)
- F7** Words in s. 342(5)(a) substituted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), **ss. 57(3)(b)**, 100(3); S.I. 2021/373, art. 8(e)

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- F8** S. 342(5A)(5B) inserted (30.3.2010) by Education and Skills Act 2008 (c. 25), **ss. 143(2)**, 173(4); S.I. 2010/1093, art. 2(a)
- F9** S. 342(6) omitted (1.9.2021) by virtue of Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), **ss. 57(3)(c)**, 100(3); S.I. 2021/373, art. 8(e)

Modifications etc. (not altering text)

- C1** S. 342: power to amend conferred (1.4.2018) by Children and Social Work Act 2017 (c. 16), **ss. 34(6)(a)**, 70(2); S.I. 2018/346, reg. 4(e)
- C2** S. 342: power to amend conferred (1.4.2018) by Children and Social Work Act 2017 (c. 16), **ss. 35(4)(a)**, 70(2); S.I. 2018/346, reg. 4(f)

Status:

Point in time view as at 01/09/2021.

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