



Education Act 2002

2002 CHAPTER 32

PART 10

INDEPENDENT SCHOOLS

CHAPTER 2

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

172 Alteration to definition of “independent school”

For section 463 of the Education Act 1996 (c. 56) (meaning of “independent school”) there is substituted—

“463 Meaning of “independent school”

- (1) In this Act “independent school” means any school at which full-time education is provided for—
 - (a) five or more pupils of compulsory school age, or
 - (b) at least one pupil of that age for whom a statement is maintained under section 324, or who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989),and which is not a school maintained by a local education authority or a special school not so maintained.
- (2) For the purposes of subsection (1)(a) and (b) it is immaterial if full-time education is also provided at the school for pupils under or over compulsory school age.”

Commencement Information

II S. 172 in force at 1.9.2003 except in relation to W. by S.I. 2003/1667, art. 4

Status: Point in time view as at 01/01/2004.

Changes to legislation: Education Act 2002, Chapter 2 is up to date with all changes known to be in force on or before 12 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)

12 S. 172 in force at 1.1.2004 for W. by S.I. 2003/2961, art. 6, **Sch. Pt. III**

173 Right of access of LEA

In section 327 of the Education Act 1996 (c. 56) (local education authority to have access to certain schools to monitor provision made for child with special educational needs), in subsection (1)(b) (schools to which section applies), at the end there is inserted “or at an independent school”.

Commencement Information

- I3** S. 173 in force at 1.9.2003 except in relation to W. by S.I. 2003/1667, **art. 4**
I4 S. 173 in force at 1.1.2004 for W. by S.I. 2003/2961, art. 6, **Sch. Pt. III**

174 Consent to placement

In section 347 of the Education Act 1996 (approval of independent schools as suitable to provide special education), in subsection (5)(b) (no child to be placed at an unapproved school unless the Secretary of State consents), after “Secretary of State” there is inserted “ is satisfied that there is a place available for the child at the school and ”.

Commencement Information

- I5** S. 174 in force at 1.9.2003 except in relation to W. by S.I. 2003/1667, **art. 4**
I6 S. 174 in force at 1.1.2004 for W. by S.I. 2003/2961, art. 6, **Sch. Pt. III**

Status:

Point in time view as at 01/01/2004.

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