



Education and Skills Act 2008

2008 CHAPTER 25

PART 4

REGULATION AND INSPECTION OF INDEPENDENT EDUCATIONAL PROVISION IN ENGLAND

CHAPTER 2

SCHOOLS PROVIDING FOR SPECIAL EDUCATIONAL NEEDS

Non-maintained special schools in England

142 Interpretation

- (1) For section 337 of the Education Act 1996 (c. 56) (special schools) and the italic heading preceding it substitute—

“Interpretation

337 Special schools

A school is a special school if—

- (a) it is specially organised to make special educational provision for pupils with special educational needs, and
- (b) in the case of a school that is not maintained by a [^{F1}local authority], it is approved under section 342.

337A Interpretation of Chapter

In this Chapter—

“a non-maintained special school” means a school that is approved under section 342;

Changes to legislation: *Education and Skills Act 2008, Section 142 is up to date with all changes known to be in force on or before 27 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) View outstanding changes*

“the appropriate national authority” means—

- (a) in relation to a school in England, the Secretary of State;
- (b) in relation to a school in Wales, the Welsh Ministers.”

(2) Section 342 of that Act (approval of non-maintained special schools) is amended as follows.

(3) In subsection (1)—

- (a) for “Secretary of State” substitute “ appropriate national authority ”;
- (b) omit “his”.

(4) In subsection (5)(a) for “Secretary of State” substitute “ appropriate national authority ”.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 15(2)**
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Commencement Information

- I1** S. 142 in force at 30.3.2010 by [S.I. 2010/1093](#), **art. 2(a)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 91(3)(c) inserted by [2022 asc 1 Sch. 4 para. 22\(3\)](#)