



Education Act 1993

1993 CHAPTER 35

PART III

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Special schools and independent schools

183 Establishment, etc. of maintained or grant-maintained special schools

- (1) The funding authority may establish in the area of any local education authority a school which is specially organised to make special educational provision for pupils with special educational needs if—
 - (a) an order under section 12(1) of this Act applies to the area, and
 - (b) the school is intended to provide relevant education for pupils in the area, whether or not it also provides other education or education for pupils from outside the area.
- (2) Where a local education authority intend—
 - (a) to establish a school which is specially organised to make special educational provision for pupils with special educational needs,
 - (b) to make any prescribed alteration to a maintained special school, or
 - (c) to discontinue such a school,they shall serve under subsection (6) below notice of their proposals.
- (3) Where the funding authority—
 - (a) intend to establish a school which is specially organised to make special educational provision for pupils with special educational needs,
 - (b) are of the opinion that any prescribed alteration should be made to a grant-maintained special school, or
 - (c) are of the opinion that such a school should be discontinued,and an order under section 12(1) of this Act applies to the area concerned, they shall serve under subsection (6) below notice of their proposals.

Status: This is the original version (as it was originally enacted).

- (4) Where the governing body of a grant-maintained special school intend—
- (a) to make any prescribed alteration to the school, or
 - (b) to discontinue the school,
- they shall serve under subsection (6) below notice of their proposals.
- (5) Except in pursuance of proposals under this section approved under section 184 of this Act—
- (a) a local education authority or the funding authority may not establish a school which is specially organised to make special educational provision for pupils with special educational needs,
 - (b) no prescribed alteration may be made to a maintained or grant-maintained special school, and
 - (c) a maintained or grant-maintained special school may not be discontinued.
- (6) Notice for the purposes of subsections (2) to (4) above shall be served on—
- (a) the Secretary of State, and
 - (b) such other persons as may be prescribed,
- and shall give such information as may be prescribed.
- (7) If the proposals are approved under section 184 of this Act, the body which served the notice or, in the case of proposals under subsection (3)(b) or (c) above, the governing body of the school shall implement them.
- (8) If proposals under subsection (3)(a) above are so approved, a governing body of the school shall be incorporated on such date as may be specified in the proposals (referred to in this Part of this Act as the “incorporation date”).
- (9) In relation to the establishment of a school in pursuance of proposals under subsection (3)(a) above, regulations may apply any provision of Chapter IV or V of Part II of this Act with or without modification.
- (10) In this Part of this Act—
- (a) references to the discontinuance of a maintained special school are to the local education authority ceasing to maintain it, and
 - (b) references to an alteration to a school include the transfer of the school to a new site.