



# 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

#### *Independent schools in England*

#### <sup>F1</sup>146 Abolition of requirement of approval for independent schools: England

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#### Textual Amendments

<sup>F1</sup> S. 146 omitted (1.9.2021) by virtue of [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) (anaw 2), s. 100(3), [Sch. 1 para. 15\(3\)](#); S.I. 2021/373, art. 8(j)(xxix)

#### 147 Approval of independent schools: consequential amendments

(1) Section 349 of the Education Act 1996 (c. 56) (variation of trust deeds by order) is amended as follows.

(2) In subsection (1)—

<sup>F2</sup>(a) .....

<sup>F3</sup>(b) .....

(c) omit “or 347”.

<sup>F4</sup>(3) .....

*Changes to legislation: Education and Skills Act 2008, Cross Heading: Independent schools in England is up to date with all changes known to be in force on or before 07 July 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*

- (4) Section 483A of that Act (city colleges and academies: special educational needs) is amended as follows.
- (5) For subsection (3)(a) and (b) substitute—
  - “(a) the statement is maintained by a [<sup>F5</sup>local authority] in England, or
  - (b) the statement is maintained by a [<sup>F5</sup>local authority] in Wales and the Welsh Ministers consent to the child being educated at the school.”
- (6) In subsection (4) of that section for “The Secretary of State” substitute “ The appropriate national authority ”.
- (7) At the end of that section add—
  - “(6A) In subsection (4) “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.”

<sup>F6</sup>(8) .....

**Textual Amendments**

**F2** S. 147(2)(a) omitted (1.9.2021) by virtue of [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 6(l)(i)**; S.I. 2021/373, art. 8(j)(xviii)

**F3** S. 147(2)(b) omitted (1.9.2021) by virtue of [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 6(l)(i)**; S.I. 2021/373, art. 8(j)(xviii)

**F4** S. 147(3) omitted (1.9.2021) by virtue of [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 6(l)(i)**; S.I. 2021/373, art. 8(j)(xviii)

**F5** 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)**

**F6** S. 147(8) repealed (10.9.2012 immediately after the coming into force of the [Safeguarding Vulnerable Groups \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2157\)](#)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(bb)

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**Commencement Information**

**I1** S. 147 in force at 1.9.2009 by [S.I. 2009/1513](#), **art. 3**

<sup>F7</sup>**148 Approval of independent schools: transitional provision**

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**Textual Amendments**

**F7** S. 148 omitted (1.9.2021) by virtue of [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 15(4)**; S.I. 2021/373, art. 8(j)(xxix)

**Changes to legislation:**

Education and Skills Act 2008, Cross Heading: Independent schools in England is up to date with all changes known to be in force on or before 07 July 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.

[View outstanding changes](#)

**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\(3\)](#)