



# Education Act 1996

## 1996 CHAPTER 56

### PART IV

#### SPECIAL EDUCATIONAL NEEDS

### CHAPTER II

#### SCHOOLS PROVIDING FOR SPECIAL EDUCATIONAL NEEDS

#### *[<sup>F1</sup>Non-maintained special schools in England: appeals*

#### Textual Amendments

- F1** Ss. 342B, 342C and cross-heading inserted (30.3.2010) by [Education and Skills Act 2008 \(c. 25\)](#), ss. [145](#), [173\(4\)](#); S.I. 2010/1093, art. 2(a)

#### **342B Appeal against decision of Secretary of State**

- (1) Regulations may make provision for an appeal against a decision of the Secretary of State—
  - (a) to withdraw approval from a non-maintained special school in England by virtue of section 342(4)(b) (failure to comply with prescribed requirement) otherwise than at the request of the proprietor;
  - (b) not to approve, not to approve a change to, or to withdraw approval from, relevant arrangements in relation to such a school.
- (2) In subsection (1)(b) “relevant arrangements” means arrangements that require the approval of the Secretary of State by virtue of section 342(5)(a).
- (3) Regulations under this section must provide that an appeal brought by virtue of this section—
  - (a) lies to the First-tier Tribunal, and

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*Status: Point in time view as at 15/11/2011.*

*Changes to legislation: Education Act 1996, Cross Heading: Non-maintained special schools in England: appeals is up to date with all changes known to be in force on or before 25 August 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)*

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- (b) must be brought by the proprietor of the school in question.
- (4) The regulations may in particular make provision, in the case of an appeal brought by virtue of subsection (1)(a), prohibiting the Secretary of State from acting on a decision to withdraw approval during the period in which—
  - (a) an appeal against the decision could be brought, or
  - (b) where an appeal has been brought, the appeal has not been determined, withdrawn or otherwise disposed of.

### **342C Appeal against order of justice of peace**

- (1) Regulations may make provision for an appeal against the making of an order by virtue of section 342A (order by justice of peace in an emergency).
- (2) The regulations must provide that an appeal brought by virtue of this section—
  - (a) lies to the First-tier Tribunal, and
  - (b) must be brought by the proprietor of the school in question.]

**Status:**

Point in time view as at 15/11/2011.

**Changes to legislation:**

Education Act 1996, Cross Heading: Non-maintained special schools in England: appeals is up to date with all changes known to be in force on or before 25 August 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.