



# Education Act 1996

## 1996 CHAPTER 56

### PART IV

#### SPECIAL EDUCATIONAL NEEDS

### CHAPTER II

#### SCHOOLS PROVIDING FOR SPECIAL EDUCATIONAL NEEDS

##### *Establishment etc. of special schools*

### **339 Establishment, etc. of maintained or grant-maintained special schools**

- (1) 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, or
  - (b) to make any prescribed alteration to a maintained special school, or
  - (c) to discontinue such a school,they shall serve under subsection (5) notice of their proposals.
- (2) 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, or
  - (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 27(1) applies to the area concerned, they shall serve under subsection (5) notice of their proposals.
- (3) Where the governing body of a grant-maintained special school intend—
  - (a) to make any prescribed alteration to the school, or

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) to discontinue the school,they shall serve under subsection (5) notice of their proposals.
- (4) Except in pursuance of proposals under this section approved under section 340—
  - (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.
- (5) Notice for the purposes of subsections (1) to (3) 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.
- (6) If the proposals are approved under section 340—
  - (a) the body which served the notice, or
  - (b) in the case of proposals under subsection (2)(b) or (c) above, the governing body of the school,shall implement them.
- (7) If proposals under subsection (2)(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 as the “incorporation date”).
- (8) In relation to the establishment of a school in pursuance of proposals under subsection (2)(a) above, regulations may apply any provision of Chapter IV or V of Part III of this Act with or without modification.
- (9) In this Part—
  - (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.