



# Education Act 1996

## 1996 CHAPTER 56

### PART IV **E+W**

#### SPECIAL EDUCATIONAL NEEDS

### CHAPTER II **E+W**

#### SCHOOLS PROVIDING FOR SPECIAL EDUCATIONAL NEEDS

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

#### **340 Procedure for dealing with proposals. **E+W****

- (1) Before a body serve notice of any proposals under section 339 they shall consult such persons as appear to them to be appropriate; and in discharging their duty under this subsection the body shall have regard to any guidance given from time to time by the Secretary of State.
- (2) Within such period as may be specified in the notice under that section (which must not be less than two months beginning with the date on which the notice is served), any person may submit objections to the proposals to the body which served the notice.
- (3) Within one month after the end of the period for making objections specified in the last notice to be served under that section, the body which served the notice shall transmit to the Secretary of State copies of all objections which have been duly made (and not withdrawn in writing), together with their observations on them.
- (4) The Secretary of State may, after considering the proposals, any objections to the proposals and any observations on the objections—
  - (a) reject the proposals,
  - (b) approve them without modification, or

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*Status: Point in time view as at 01/11/1996. This version of this provision has been superseded.*

*Changes to legislation: Education Act 1996, Section 340 is up to date with all changes known to be in force on or before 06 September 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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- (c) after consulting the body which served notice of them (and, in the case of proposals under section 339(2)(b) or (c), the governing body) approve them with such modifications as he thinks desirable.
- (5) The Secretary of State may modify any proposals required under section 339 to be implemented—
- (a) in the case of proposals under section 339(2)(b) or (c)—
    - (i) at the request of the governing body, or
    - (ii) at the request of the funding authority and after consulting the governing body, or
  - (b) in any other case, at the request of the body which served notice of the proposals.
- (6) References in this Part to proposals under section 339, in any case where the Secretary of State has modified such proposals in pursuance of this section, are to the proposals as so modified.
- (7) Service of a notice under that section which is sent by post in accordance with section 572 (service of notices) shall be taken to have been effected on the second day after the day on which the notice is posted.

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**Modifications etc. (not altering text)**

**C1** S. 340 modified (1.4.1999) by S.I. 1999/704, reg. 7(2)

**Status:**

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