



# Education Act 2002

## 2002 CHAPTER 32

### PART 10

#### INDEPENDENT SCHOOLS

#### CHAPTER 2

##### CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

#### 172 Alteration to definition of “independent school”

For section 463 of the Education Act 1996 (c. 56) (meaning of “independent school”) there is substituted—

##### “463 Meaning of “independent school”

- (1) In this Act “independent school” means any school at which full-time education is provided for—
  - (a) five or more pupils of compulsory school age, or
  - (b) at least one pupil of that age for whom a statement is maintained under section 324, or who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989),and which is not a school maintained by a [<sup>F1</sup>local authority] or a special school not so maintained.
- (2) For the purposes of subsection (1)(a) and (b) it is immaterial if full-time education is also provided at the school for pupils under or over compulsory school age.”

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**Status:** Point in time view as at 05/05/2010.

**Changes to legislation:** Education Act 2002, Section 172 is up to date with all changes known to be in force on or before 12 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)

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#### Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)
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#### Commencement Information

- I1** S. 172 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
- I2** S. 172 in force at 1.1.2004 for W. by [S.I. 2003/2961](#), [art. 6](#), [Sch. Pt. III](#)

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