2002 No. 2072

EDUCATION ENGLAND

Education (Special Educational Needs) (Approval of Independent Schools) (Amendment) (England) Regulations 2002

Made - - - - -	*6th August 2002*
Laid before Parliament	*7th August 2002*
Coming into force - -	*28th August 2002*

In exercise of the powers conferred upon him by sections 347(2) and 569(4) and (5) of the Education Act 1996(**a**), the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Education (Special Educational Needs) (Approval of Independent Schools) (Amendment) (England) Regulations 2002 and shall come into force on 28th August 2002.

(2) These Regulations shall apply only in relation to England.

(3) In these Regulations a reference to the principal Regulations is a reference to the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994(**b**).

Amendment to regulation 2 of the principal Regulations

2. The principal Regulations shall be amended as follows:

In regulation 2(1) of the principal Regulations, after the definition of "child with a statement" there shall be inserted the following new definition—

"city college" means an Academy, city technology college or city college for the technology of the arts(**c**);

New Regulation 2A of the principal Regulations

3. After regulation 2 of the principal Regulations there shall be inserted—

(**a**) 1996 c. 56; by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.
(**b**) S.I. 1994/651, amended by S.I. 1998/417. The principal Regulations remain in force by virtue of paragraph 1 of Schedule 39 to the Education Act 1996.
(**c**) Established and maintained under section 482 of the Education Act 1996, substituted by section 65 of the Education Act 2002 (c. 32).

"**City Colleges**

2A These Regulations shall not apply to any independent school which is a city college."

David Miliband
Minister of State,
6th August 2002 Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply only in relation to England, amend the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994 which prescribe the requirements to be complied with by an independent school as a condition of its approval as a school suitable for the admission of children for whom statements of special educational needs are maintained under section 324 of the Education Act 1996.

These Regulations remove Academies, city technology colleges and city colleges for the technology of the arts from the scope of the 1994 Regulations. These schools are independent schools funded by the Secretary of State under section 482 of the Education Act 1996. By removing them from the scope of the 1994 Regulations these schools are not required to comply with prescribed requirements as a condition of their approval as suitable to admit children with statements of special educational needs.

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