



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 2

#### ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

##### *Establishment of new schools*

#### **10 Publication of proposals with consent of Secretary of State**

- (1) A [<sup>F1</sup>local authority] in England may with the consent of the Secretary of State publish under this section their proposals to establish [<sup>F2</sup>a new community, community special, foundation or foundation special school, which—
  - (a) is not to be one providing education suitable only to the requirements of persons above compulsory school age, and
  - (b) is to replace one or more maintained schools, except where section 11(A2) applies or in a case within section 11(A3).]
- (2) Any persons (“proposers”) may with the consent of the Secretary of State publish under this section their proposals to establish (otherwise than pursuant to a notice under section 7) a new foundation, voluntary [<sup>F3</sup> controlled] or foundation special school in England other than—
  - (a) one providing education suitable only to the requirements of persons above compulsory school age, or
  - (b) one in relation to which proposals fall to be published under section 11 by virtue of subsection [<sup>F4</sup> (2)] of that section.
- (3) Proposals under this section must—
  - (a) contain such information, and
  - (b) be published in such manner,as may be prescribed.
- (4) Before publishing any proposals under this section, the [<sup>F1</sup>local authority] or proposers (as the case may be) must consult such persons as appear to them to be appropriate;

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*Changes to legislation: Education and Inspections Act 2006, Section 10 is up to date with all changes known to be in force on or before 09 April 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) View outstanding changes*

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and in discharging their duty under this subsection the authority or proposers must have regard to any guidance given from time to time by the Secretary of State.

- (5) Where any proposals are published under subsection (2), the proposers must submit the proposals in accordance with regulations to the [<sup>F1</sup>local authority] who it is proposed should maintain the school.
- (6) Schedule 2 has effect in relation to the consideration, approval and implementation of proposals under this section.

#### **Textual Amendments**

- F1** Words in Pts. 1-7 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. 14(2)**
- F2** Words in s. 10(1) substituted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 11 para. 6(2)**; [S.I. 2012/84](#), art. 3 (with art. 4)
- F3** Word in s. 10(2) inserted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 11 para. 6(3)(a)**; [S.I. 2012/84](#), art. 3 (with art. 4)
- F4** Word in s. 10(2)(b) substituted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 11 para. 6(3)(b)**; [S.I. 2012/84](#), art. 3 (with art. 4)

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

- C1** S. 10 modified (E.) (25.5.2007) by [The School Organisation \(Establishment and Discontinuance of Schools\) \(England\) Regulations 2007 \(S.I. 2007/1288\)](#), reg. 1(1), **Sch. 7 Pt. 2**
- C2** S. 10 modified (28.1.2014) by [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013 \(S.I. 2013/3109\)](#), reg. 1, **Sch. 4 Pt. 2**

#### **Commencement Information**

- I1** S. 10 in force at 25.5.2007 by [S.I. 2007/935](#), art. 7(b)

**Changes to legislation:**

Education and Inspections Act 2006, Section 10 is up to date with all changes known to be in force on or before 09 April 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.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)