Education and Inspections Act 2006

2006 CHAPTER 40

PART 2

ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

Alterations to schools

19 Publication of proposals for alteration of school

(1) Where—

(a) the **[**[F1]local authority**]** propose to make a prescribed alteration to a maintained school, and

(b) the prescribed alteration is one that under subsection (2) is capable of being proposed by a **[**[F1]local authority**]**,

the authority must publish their proposals under this section.

(2) A prescribed alteration is capable of being proposed by a **[**[F1]local authority**]** if—

(a) in the case of a community school, a community special school or a maintained nursery school, it is an alteration designated by regulations under this subsection as one capable of being proposed by the **[**[F1]local authority**]**,

(b) in the case of a foundation or voluntary school, it consists of any one or more of the following—

(i) an enlargement of the premises,

(ii) an increase in the number of pupils in any relevant age group,

(iii) the establishment or discontinuance of educational provision for pupils with special educational needs, and

(iv) the establishment of educational provision suitable to the requirements of pupils over compulsory school age, and

(c) in the case of a foundation special school, it consists of any one or more of the following—

(i) an enlargement of the premises,

Changes to legislation: *Education and Inspections Act 2006, Section 19 is up to date with all changes known to be in force on or before 26 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*

(ii) an increase in the number of pupils for whom the school is organised to make provision, and

(iii) a change in the type of special educational needs for which the school is organised to make provision.

(3) Where—

(a) the governing body of a maintained school propose to make a prescribed alteration to the school, and

(b) in the case of a community school, a community special school or a maintained nursery school, the prescribed alteration is designated by regulations under this subsection as one capable of being proposed by the governing body,

the governing body must publish their proposals under this section.

(4) If at any time the governing body of a voluntary aided school are unable or unwilling to carry out their obligations under Schedule 3 to SSFA 1998 (funding of foundation, voluntary and foundation special schools), they must publish proposals under this section for the school to become either a voluntary controlled school or a foundation school, as the governing body may determine.

(5) This section has effect subject to section 20.

(6) In this section—

"prescribed alteration", in relation to a maintained school, means an alteration prescribed under section 18;

"relevant age group" has the same meaning as in SSFA 1998.

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)**

Commencement Information

I1 S. 19 in force at 25.5.2007 by S.I. 2007/935, **art. 7(d)**

Changes to legislation:
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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)