



Education and Inspections Act 2006

2006 CHAPTER 40

PART 2

ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

Alterations to schools

21 Proposals under section 19: procedure

- (1) Regulations may make provision about the publication and determination of proposals under section 19 (“proposals”).
- (2) The provision that may be made includes provision—
 - (a) about the information to be included in, or provided in relation to, the proposals;
 - (b) about consultation on the proposals;
 - (c) about the manner in which proposals are to be published under section 19;
 - (d) for the making of objections to or comments on the proposals;
 - (e) requiring the proposals to be considered with related proposals published under section 19 or any other enactment;
 - (f) for the consideration and determination of the proposals by a prescribed person (who may be the person who published the proposals);
 - (g) for the referral of proposals to the adjudicator in prescribed cases for consideration and determination by him (instead of by a person prescribed by virtue of paragraph (f));
 - (h) for the referral of proposals to the adjudicator, at the request of a prescribed person, after their initial determination by a person other than the adjudicator;
 - (i) for the approval of proposals with or without modification;
 - (j) for the making in prescribed cases of a conditional approval;
 - (k) for the withdrawal of proposals;
 - (l) as to the manner in which, and time within which, anything required or authorised by the regulations must be done.

Changes to legislation: Education and Inspections Act 2006, Section 21 is up to date with all changes known to be in force on or before 28 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

- (3) The regulations may confer functions on the [^{F1}local authority], on any other [^{F1}local authority] affected by the proposals, on the governing body of the school concerned and on the adjudicator.
- (4) Regulations made by virtue of subsection (2)(g) may enable the Secretary of State by direction to require proposals to be referred to the adjudicator.
- (5) In relation to any proposals for a school to cease to be an establishment which admits pupils of one sex only, regulations under this section may enable the [^{F1}local authority] or the adjudicator to make a transitional exemption order for the purposes of [^{F2}paragraphs 3 and 4 of Schedule 11 to the Equality Act 2010 (single-sex schools turning co-educational)], and to vary or revoke any order so made.
- (6) The regulations may require any person exercising functions under the regulations to have regard to any guidance given from time to time by the Secretary of State.

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. 21(5) substituted by 2010 c. 15, Sch. 26 Pt. 1 para. 93 (as inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 1 para. 6** (see S.I. 2010/2317, art. 2))

Commencement Information

- I1** S. 21 in force at 1.4.2007 by [S.I. 2007/935](#), art. 5(c)

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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\(a\)](#)