



Education and Inspections Act 2006

2006 CHAPTER 40

PART 2

ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

Alterations to schools

23 Rights of interested bodies in relation to proposals under section 21

- (1) Any regulations under section 21 which enable any proposals falling within subsection (2) which are published by the governing body of the school to which they relate to be determined by the governing body must include provision by virtue of subsection (2)(g) of that section enabling the [^{F1}local authority] to require the proposals to be referred to the adjudicator.
- (2) Proposals fall within this section if the proposed alteration would result in a community, voluntary controlled or foundation school or community or foundation special school becoming either or both of the following—
 - (a) a foundation or foundation special school having a foundation established otherwise than under SSFA 1998;
 - (b) a foundation or foundation special school whose instrument of government provides for the majority of governors to be foundation governors.
- (3) Regulations under section 21 may restrict the matters to which a [^{F1}local authority] may have regard in deciding whether to require proposals to be referred to the adjudicator in accordance with provision included in the regulations by virtue of subsection (1).
- (4) If regulations under section 21 provide for any proposals, other than proposals to which section 22(3) or (5) applies, to be determined by a person other than the adjudicator, the regulations must include provision by virtue of section 21(2)(h) enabling each of the following persons to require the proposals to be referred to the adjudicator after their initial determination by the other person—

Changes to legislation: Education and Inspections Act 2006, Section 23 is up to date with all changes known to be in force on or before 21 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

- (a) the Diocesan Board of Education for any diocese of the Church of England any part of which is comprised in the area of the authority,
 - (b) the bishop of any diocese of the Roman Catholic Church any part of which is comprised in the area of the authority, and
 - ^{F2}(c)
- (5) If regulations under section 21 provide for any proposals published by a [^{F1}local authority] in relation to a foundation or voluntary school or a foundation special school to be determined by the [^{F1}local authority], the regulations must include provision by virtue of subsection (2)(h) of that section enabling each of the following persons to require the proposals to be referred to the adjudicator after their initial determination by the authority—
- (a) the governing body of the school, and
 - (b) the trustees of the school.
- (6) In this section “proposals” means proposals under section 19.

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 S. 23(4)(c) repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b), Sch. 1 para. 58, **Sch. 2 Pt. 1** (with art. 2(3))

Commencement Information

I1 S. 23 in force at 1.4.2007 by [S.I. 2007/935](#), art. 5(c)

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\(a\)](#)