



Education and Inspections Act 2006

2006 CHAPTER 40

PART 2

ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

Removal of foundation or reduction in foundation governors

26 Proposals under section 25: procedure

- (1) Regulations may make provision about the publication and determination of proposals under section 25.
- (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 25;
 - (d) for the making of objections to or comments on the proposals;
 - (e) for the withdrawal of proposals in prescribed cases;
 - (f) for the consideration of the proposals by the governing body;
 - (g) enabling the governing body to approve or reject the proposals;
 - (h) enabling the governing body to reject any proposals published in pursuance of a requirement under section 25(5) (“required proposals”) only by a decision made with the support of a prescribed proportion of the governors;
 - (i) for the approval of required proposals given in the prescribed manner by a prescribed proportion of the governors to be treated as approval by the governing body;
 - (j) for the approval of proposals either without modifications or in prescribed cases with modifications of a prescribed kind;
 - (k) as to the manner in which, and time within which, anything authorised or required by the regulations must be done.

Changes to legislation: Education and Inspections Act 2006, Section 26 is up to date with all changes known to be in force on or before 03 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) Regulations under this section may in prescribed cases—
- (a) require the governing body to ensure that matters relating to—
 - (i) any transfer which may be required by virtue of subsection (2)(b) of section 27, or
 - (ii) any payment which might be required by virtue of subsection (4) or (5) of that section,are agreed or determined before the proposals are published, and
 - (b) enable or require any such matter to be referred to the adjudicator for determination before the proposals are published.
- (4) Regulations under this section may require any prescribed person, in exercising functions under the regulations, to have regard to any guidance given from time to time by the Secretary of State.

Commencement Information

II S. 26 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(e\)](#)

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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\(a\)](#)