



# Children, Schools and Families Act 2010

## 2010 CHAPTER 26

### PART 1

#### CHILDREN AND SCHOOLS

##### *Powers of governing bodies*

VALID FROM 01/04/2011

#### **4 Power to provide community facilities etc**

- (1) In section 27 of EA 2002 (power of governing body to provide community facilities etc), after subsection (1) there is inserted—

“(1A) At least once in every school year the governing body of a maintained school in England shall consider whether, and if so how, they should exercise the power under subsection (1).”

- (2) In section 50 of SSFA 1998 (effect of financial delegation), after subsection (3) there is inserted—

“(3A) In the case of a school in England—

- (a) subject to regulations under paragraph (b) below, subsection (3)(a) has effect as if amounts spent on providing facilities or services under section 27 of the Education Act 2002 (power of governing body to provide community facilities etc) were spent for purposes of the school;
- (b) regulations may impose restrictions as to the matters on which amounts may be spent under subsection (3)(a).”

- (3) In subsection (4) of that section, for “In subsection (3) “purposes of the school”” there is substituted “ In the case of a school in Wales, “purposes of the school” in subsection (3) ”.

*Status: Point in time view as at 19/07/2010. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Children, Schools and Families Act 2010, Cross Heading: Powers of governing bodies. (See end of Document for details)*

- (4) In section 51A of SSFA 1998 (expenditure incurred for community purposes), in subsections (1) and (2), after “a maintained school” there is inserted “ in Wales ”.

## 5 Power to form company to establish Academy, etc

- (1) The governing body of a maintained school in England may—
- (a) form, or participate in forming, a company to enter into an agreement under section 482 of EA 1996 (agreement with Secretary of State to establish etc an Academy), and
  - (b) do anything which appears to them to be necessary or expedient in connection with a proposal that an agreement under that section be entered into with a company formed (or proposed to be formed) by them under paragraph (a).

References in this subsection to a company are to a company registered under the Companies Act 2006 as a company limited by guarantee.

- (2) The governing body of a maintained school in England—
- (a) may be a member of a company which they have formed, or participated in forming, under subsection (1)(a), and
  - (b) may be a member of a company which is not within paragraph (a) but which is party to an agreement under section 482 of EA 1996.
- (3) The power conferred by subsection (1)(b) includes, in particular, power—
- (a) to incur expenditure;
  - (b) to enter into arrangements or agreements with any person.
- (4) This section is not to be read as limiting any powers that the governing body of a maintained school have otherwise than by virtue of this section.
- (5) In this section “maintained school” means a community, foundation or voluntary school or a community or foundation special school.

### Commencement Information

**II** S. 5 in force at 19.7.2010 by S.I. 2010/1817, art. 2

## 6 Powers to assist etc proprietor of Academy and be a member of a foundation

- (1) Paragraph 3 of Schedule 1 to EA 2002 (powers of governing body) is amended as follows.
- (2) After sub-paragraph (2) there is inserted—
- “(2A) The governing body of a maintained school in England (other than the governing body of a maintained nursery school) may provide advice and assistance to the proprietor of an Academy.
  - (2B) The governing body of a maintained school in England may be a member of the foundation of another maintained school in England.

In this sub-paragraph “foundation” has the meaning given by section 21(3) of the 1998 Act, except that it does not include a foundation established under that Act.”

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- (3) In sub-paragraph (3)—
- (a) in the words before paragraph (a), for “and (2)” there is substituted “, (2) and (2A)”;
  - (b) in paragraph (f), after “sub-paragraph (2)” there is inserted “ or (2A) ”.

**Commencement Information**

**I2** S. 6 in force at 19.7.2010 by S.I. 2010/1817, art. 2

PROSPECTIVE

**7 Power to propose new schools**

After section 11 of EIA 2006 there is inserted—

**“11A Restriction on power of governing body to make proposals**

- (1) The governing body of a maintained school may make proposals pursuant to a notice under section 7 or publish proposals under section 11(2) only if the governing body are for the time being designated for the purposes of this section—
  - (a) by the Secretary of State, or
  - (b) by a person authorised by the Secretary of State to designate governing bodies for those purposes.
- (2) The governing body of a maintained nursery school may not be designated for the purposes of this section.”

**Status:**

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**Changes to legislation:**

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