



# Children, Schools and Families Act 2010

## 2010 CHAPTER 26

### PART 1

#### CHILDREN AND SCHOOLS

##### *Powers of governing bodies*

#### **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.