



Academies Act 2010

2010 CHAPTER 32

Academies: other provisions

12 Charitable [^{F1}and trust corporation] status of Academy proprietors etc

(1) A qualifying Academy proprietor is a charity.

[^{F2}(1A) In the definition of “trust corporation” in the provisions listed in subsection (1B), the reference to a corporation appointed by the court in any particular case to be a trustee includes a reference to a qualifying Academy proprietor.

(1B) The provisions are—

- (a) section 117(1)(xxx) of the Settled Land Act 1925;
- (b) paragraph (18) of section 68(1) of the Trustee Act 1925;
- (c) section 205(1)(xxviii) of the Law of Property Act 1925;
- (d) section 55(1)(xxvi) of the Administration of Estates Act 1925;
- (e) section 128 of the Senior Courts Act 1981.]

(2) A “qualifying Academy proprietor” is a company—

- (a) which is limited by guarantee,
- (b) whose registered office is situated in England and Wales,
- (c) which in pursuance of Academy arrangements is the proprietor of an Academy, and
- (d) whose object as expressed in its articles or memorandum of association (or each of whose objects as so expressed) is a charitable purpose.

(3) Expressions used in subsection (2) and in the Companies Act 2006 have the same meaning in that subsection as in that Act.

[^{F3}(4)

[^{F4}(5) The setting up, establishment and running of a secure 16 to 19 Academy is to be treated as a charitable purpose that falls within the description in section 3(1)(b) of the Charities Act 2011 (advancement of education) for the purposes of—

- (a) this section,

Changes to legislation: Academies Act 2010, Section 12 is up to date with all changes known to be in force on or before 22 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

- (b) the Charities Act 2011, and
 - (c) any other enactment that applies (in whatever way) the definition of “charitable purpose” in section 2 of that Act.
- (6) But subsection (5) is to be disregarded in determining, in accordance with section 3(1)(m) of the Charities Act 2011, whether a purpose may be regarded as analogous to, or within the spirit of, a purpose falling within paragraph (b) of section 3(1) of that Act.]

Textual Amendments

- F1** Words in s. 12 heading inserted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 14 para. 20(3)**; [S.I. 2012/84](#), art. 3 (with art. 5)
- F2** S. 12(1A)-(1B) inserted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 14 para. 20(2)**; [S.I. 2012/84](#), art. 3 (with art. 5)
- F3** S. 12(4) repealed (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, **Sch. 10** (with s. 20(2), Sch. 8)
- F4** [S. 12\(5\)\(6\)](#) inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 164(2), 208(4)(t)**

Commencement Information

- I1** S. 12(1)-(3) in force at 29.7.2010 by [S.I. 2010/1937](#), art. 2, **Sch. 1**
- I2** S. 12(4) in force at 1.1.2011 in so far as not already in force by [S.I. 2010/1937](#), art. 4, **Sch. 3**
- I3** S. 12(4) in force at 1.8.2011 by [S.I. 2011/1149](#), **art. 2**

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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):

- Sch. 1 para. 9A and cross-heading inserted by [2023 c. 55 s. 235\(1\)](#)