



# Academies Act 2010

## 2010 CHAPTER 32

### *Conversion of schools into Academies*

#### **4 Academy orders**

[<sup>F1</sup>(A1) The Secretary of State must make an Academy order in respect of a maintained school in England that is eligible for intervention by virtue of section 61 or 62 EIA 2006 (schools requiring significant improvement or schools requiring special measures). ]

(1) The Secretary of State may make an Academy order in respect of a maintained school in England if—

- (a) [<sup>F2</sup>an application in respect of the school is made] under section 3, or
- (b) the school is eligible for intervention (within the meaning of Part 4 of EIA 2006) [<sup>F3</sup>other than by virtue of section 61 or 62 of EIA 2006].

[<sup>F4</sup>(1A) Before making an Academy order under subsection (1)(b) in respect of a foundation or voluntary school that has a foundation, the Secretary of State must consult—

- (a) the trustees of the school,
- (b) the person or persons by whom the foundation governors are appointed, and
- (c) in the case of a school which has a religious character, the appropriate religious body.]

(2) An Academy order in respect of a school is an order for the purpose of enabling the school to be converted into an Academy.

(3) A maintained school is “converted into” an Academy if Academy arrangements are entered into in relation to the school or [<sup>F5</sup>an educational institution] that replaces it.

(4) If an Academy order is made in respect of a school, the Secretary of State must give a copy of the order to—

- (a) the governing body and head teacher of the school,<sup>F6</sup>...
- (b) the local authority,<sup>F7</sup> and
- (c) in the case of a foundation or voluntary school that has a foundation—
  - (i) the trustees of the school,

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- (ii) the person or persons by whom the foundation governors are appointed, and
  - (iii) in the case of a school which has a religious character, the appropriate religious body.]
- (5) If, after an application has been made under section 3, the Secretary of State decides not to make an Academy order in respect of a school, the Secretary of State must inform the following of the decision and the reasons for it—
- (a) the governing body and head teacher of the school, <sup>F8</sup>...
  - (b) the local authority, <sup>F9</sup> and
  - (c) in the case of a foundation or voluntary school that has a foundation—
    - (i) the trustees of the school,
    - (ii) the person or persons by whom the foundation governors are appointed, and
    - (iii) in the case of a school which has a religious character, the appropriate religious body.]
- (6) Despite section 568(1) of EA 1996 (orders to be made by statutory instrument) (as applied by section 17(4) of this Act) the power of the Secretary of State to make an Academy order is not required to be exercised by statutory instrument.
- (7) An Academy order may include incidental, consequential, supplemental and transitional provision.
- <sup>F10</sup>(8) In this section, “ the appropriate religious body ”, in relation to a school, means—
- (a) in the case of a Church of England school or a Roman Catholic school, the appropriate diocesan authority;
  - (b) in any other case, such body or person representing the specified religion or religious denomination as is prescribed under section 88F(3)(e) of SSFA 1998.
- (9) In the case of a school in relation to which there is more than one religion or religious denomination specified, references to “the appropriate religious body” are to be read as references to both or all of the bodies concerned.
- (10) In subsections (8) and (9), “ specified ” means specified in the order under section 69(3) of SSFA 1998 relating to the school.
- (11) Expressions used in this section and SSFA 1998 have the same meaning as in that Act. ]

#### Textual Amendments

- F1** S. 4(A1) inserted (18.4.2016) by [Education and Adoption Act 2016 \(c. 6\)](#), **ss. 7(2)**, 19(2); S.I. 2016/466, [reg. 2](#) (with [reg. 5](#))
- F2** Words in s. 4(1)(a) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 57(3)**, 82(3); S.I. 2012/924, [art. 2](#)
- F3** Words in s. 4(1)(b) inserted (18.4.2016) by [Education and Adoption Act 2016 \(c. 6\)](#), **ss. 7(3)**, 19(2); S.I. 2016/466, [reg. 2](#) (with [reg. 5](#))
- F4** S. 4(1A) inserted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 55(2)**, 82(3); S.I. 2012/84, [art. 3](#)
- F5** Words in s. 4(3) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 2**; S.I. 2012/924, [art. 2](#)
- F6** Word in s. 4(4)(a) omitted (1.2.2012) by virtue of [Education Act 2011 \(c. 21\)](#), **ss. 55(3)(a)**, 82(3); S.I. 2012/84, [art. 3](#)
- F7** S. 4(4)(c) inserted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 55(3)(b)**, 82(3); S.I. 2012/84, [art. 3](#)

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- F8** Word in s. 4(5)(a) omitted (1.2.2012) by virtue of [Education Act 2011 \(c. 21\)](#), **ss. 55(4)(a)**, 82(3); S.I. 2012/84, art. 3
- F9** S. 4(5)(c) inserted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 55(4)(b)**, 82(3); S.I. 2012/84, art. 3
- F10** S. 4(8)-(11) inserted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 55(5)**, 82(3); S.I. 2012/84, art. 3

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**Modifications etc. (not altering text)**

- C1** S. 4 applied (with modifications) by S.I. 2007/2979 Sch. 1 para. 23C (as inserted (31.5.2012) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) \(Amendment\) Regulations 2012 \(S.I. 2012/1201\)](#), regs. 1(2), 4)
- C2** S. 4 amendment to earlier affecting provision S.I. 2007/2979, Sch. 1 para. 23C (27.6.2016) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/608\)](#), regs. 1, 3

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**Commencement Information**

- I1** S. 4 in force at 29.7.2010 by [S.I. 2010/1937](#), art. 2, **Sch. 1**

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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\(1\)](#)