



Education and Inspections Act 2006

2006 CHAPTER 40

PART 2

ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

Establishment of new schools

10 Publication of proposals with consent of Secretary of State

- (1) A local education authority in England may with the consent of the Secretary of State publish under this section their proposals to establish (otherwise than pursuant to a notice under section 7)—
 - (a) a new community or community special school^[F1], other than one providing education suitable only to the requirements of persons above compulsory school age], or
 - (b) a new foundation or foundation special school, other than one providing education suitable only to the requirements of persons above compulsory school age.
- (2) Any persons (“proposers”) may with the consent of the Secretary of State publish under this section their proposals to establish (otherwise than pursuant to a notice under section 7) a new foundation, voluntary or foundation special school in England other than—
 - (a) one providing education suitable only to the requirements of persons above compulsory school age, or
 - (b) one in relation to which proposals fall to be published under section 11 by virtue of subsection (2)(b) or (c) of that section.
- (3) Proposals under this section must—
 - (a) contain such information, and
 - (b) be published in such manner,as may be prescribed.

Status: Point in time view as at 12/01/2010. This version of this provision has been superseded.

Changes to legislation: Education and Inspections Act 2006, Section 10 is up to date with all changes known to be in force on or before 09 June 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)

- (4) Before publishing any proposals under this section, the local education authority or proposers (as the case may be) must consult such persons as appear to them to be appropriate; and in discharging their duty under this subsection the authority or proposers must have regard to any guidance given from time to time by the Secretary of State.
- (5) Where any proposals are published under subsection (2), the proposers must submit the proposals in accordance with regulations to the local education authority who it is proposed should maintain the school.
- (6) Schedule 2 has effect in relation to the consideration, approval and implementation of proposals under this section.

Textual Amendments

- F1** Words in s. 10(1)(a) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), **ss. 126(4)**, 269(4); S.I. 2009/3317, art. 2, Sch.

Modifications etc. (not altering text)

- C1** S. 10 modified (E.) (25.5.2007) by [The School Organisation \(Establishment and Discontinuance of Schools\) \(England\) Regulations 2007](#) (S.I. 2007/1288), reg. 1(1), **Sch. 7 Pt. 2**

Commencement Information

- I1** S. 10 in force at 25.5.2007 by S.I. 2007/935, **art. 7(b)**

Status:

Point in time view as at 12/01/2010. This version of this provision has been superseded.

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