



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 6

THE SIXTH FORM COLLEGE SECTOR

126 Removal of power to establish sixth form schools

- (1) In section 16 of the Education Act 1996 (c. 56) (power to establish etc. primary and secondary schools) after subsection (3) insert—

“(3A) A [^{F1}local authority] in England may not under subsection (1) establish a school which is principally concerned with the provision of full-time education suitable to the requirements of pupils who are over compulsory school age but under 19.”

- (2) The Education and Inspections Act 2006 (c. 40) is amended as follows.

- (3) In section 7 (invitation for proposals for establishment of new schools) after subsection (5) insert—

“(5A) A [^{F1}local authority] may not publish under this section proposals within subsection (5)(b) for the establishment of a school providing education suitable only to the requirements of persons above compulsory school age.”

- (4) In section 10 (publication of proposals with consent of Secretary of State) in subsection (1)(a) after “school” insert “, other than one providing education suitable only to the requirements of persons above compulsory school age”.

- (5) In section 11 (publication of proposals to establish maintained schools: special cases) omit subsections (1)(b) and (2)(a).

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Section 126 is up to date with all changes known to be in force on or before 06 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](#)

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , **Sch. 2 para. 16(2)**
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Commencement Information

- I1** S. 126 in force at 12.1.2010 by [S.I. 2009/3317](#), art. 2, **Sch.**

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Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6