



Education and Inspections Act 2006

2006 CHAPTER 40

PART 4

SCHOOLS CAUSING CONCERN: ENGLAND

Intervention by Secretary of State

68 Power of Secretary of State to direct closure of school

- (1) If at any time a maintained school is eligible for intervention [^{F1}other than by virtue of section 60A], the Secretary of State may give a direction to the [^{F2}local authority] requiring the school to be discontinued on a date specified in the direction.
- (2) Before giving a direction under subsection (1), the Secretary of State must consult—
 - (a) the [^{F2}local authority] and the governing body of the school,
 - (b) in the case of a foundation or voluntary school which is a Church of England school or a Roman Catholic Church school, the appropriate diocesan authority,
 - (c) in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed,
 - ^{F3}(d)
 - (e) such other persons as the Secretary of State considers appropriate.
- (3) On giving a direction under subsection (1) the Secretary of State must give notice in writing of the direction to the governing body of the school and its head teacher.
- (4) Where the [^{F2}local authority] are given a direction under subsection (1), they must discontinue the school in question on the date specified in the direction; and nothing in sections 15 to 17 of this Act or in section 30 of SSFA 1998 applies to their discontinuance of the school under this section.
- (5) In this section any reference to the discontinuance of a maintained school is a reference to the [^{F2}local authority] ceasing to maintain it.

Changes to legislation: Education and Inspections Act 2006, Section 68 is up to date with all changes known to be in force on or before 09 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 s. 68(1) substituted (17.11.2011) by [Education Act 2011 \(c. 21\), ss. 44\(2\), 82\(3\)](#); S.I. [2011/2750, art. 2](#)
- F2** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), art. 1, Sch. 2 para. 14\(2\)](#)
- F3** S. 68(2)(d) repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\), art. 1\(2\)\(a\)\(b\), Sch. 1 para. 60, Sch. 2 Pt. 1 \(with art. 2\(3\)\)](#)

Modifications etc. (not altering text)

- C1** S. 68 applied (with modifications) (E.) (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\), reg. 1\(1\), Sch. 1 para. 23](#)

Commencement Information

- I1** S. 68 in force at 1.4.2007 by [S.I. 2007/935, art. 5\(j\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

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):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)