



Education Act 2002

2002 CHAPTER 32

PART 1

PROVISION FOR NEW LEGAL FRAMEWORKS

CHAPTER 3

POWERS TO FORM COMPANIES ETC

- 11 Powers of governing bodies to form or invest in companies to provide services etc.**
- (1) The governing body of a maintained school may form, or participate in forming, companies—
- (a) to provide services or facilities for any schools,
 - (b) to exercise relevant local education authority functions, or
 - (c) to make, or facilitate the making of, arrangements under which facilities or services are provided for any schools by other persons.
- (2) The governing body of a maintained school may, with a view to securing or facilitating—
- (a) the provision by a company of services or facilities for any schools,
 - (b) the exercise by a company of relevant local education authority functions, or
 - (c) the making by any person of arrangements of the kind referred to in subsection (1)(c),
- invest in the company which is to provide the services or facilities or exercise the functions or by which the arrangements are to be made or facilitated.
- (3) The governing body of a maintained school may form, or participate in forming, companies to purchase services or facilities for that school and other participating schools.

Status: This is the original version (as it was originally enacted).

- (4) The governing body of a maintained school may, with a view to securing or facilitating the purchase by a company of services or facilities for that school and other participating schools, become a member of the company.
- (5) The governing body of a maintained school may provide staff to any company in relation to which they have exercised a power conferred by any of subsections (1) to (4).
- (6) Subsections (1) to (4) have effect subject to section 12.
- (7) In exercising the power conferred by subsection (5) the governing body of a maintained school shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State or (in relation to Wales) by the National Assembly for Wales.
- (8) This section is without prejudice to any powers of the governing body of a maintained school exercisable otherwise than by virtue of this section.
- (9) In this section and section 12—
“company” means a company registered under the Companies Act 1985 (c. 6) as a company limited by shares or a company limited by guarantee;
“relevant local education authority functions”, in relation to a company, means any such functions of any local education authority as are or may become exercisable by the company in accordance with an authorisation given or direction made by virtue of any enactment;
“facilities” includes the provision of (or of the use of) premises, goods, materials, vehicles, plant or apparatus;
“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;
“participating school”, in relation to a company, means a school whose governing body is, or is to be, a member of the company.
- (10) References in this section and section 12 to investing in a company include references to becoming a member of the company and to investing in it by the acquisition of any assets, securities or rights or otherwise.