



Education Act 2002

2002 CHAPTER 32

PART 5 **E+W**

SCHOOL ORGANISATION

Academies and city colleges

65 Academies **E+W**

- (1) In the Education Act 1996 (c. 56), for section 482 (city technology colleges, city colleges for the technology of the arts and city academies) there is substituted—

“482 Academies

- (1) The Secretary of State may enter into an agreement with any person under which—
- that person undertakes to establish and maintain, and to carry on or provide for the carrying on of, an independent school in England with the characteristics mentioned in subsection (2) and such other characteristics as are specified in the agreement, and
 - the Secretary of State agrees to make payments to that person in consideration of those undertakings.
- (2) The characteristics mentioned above are that the school—
- has a curriculum satisfying the requirements of section 78 of the Education Act 2002, but with an emphasis on a particular subject area, or particular subject areas, specified in the agreement, and
 - provides education for pupils of different abilities who are wholly or mainly drawn from the area in which the school is situated.
- (3) Before entering into an agreement under this section, the Secretary of State must consult the following about the establishment of the school—
- the [^{F1}local authority] in whose area the school is to be situated; and

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- (b) if the Secretary of State thinks a significant proportion of the pupils at the school is likely to be resident within the area of another [^{F1}local authority], that authority.
- (4) An agreement under this section shall make any payments by the Secretary of State dependent on the fulfilment of—
 - (a) conditions and requirements imposed for the purpose of securing that no charge is made in respect of admission to (or attendance at) the school or, subject to such exceptions as may be specified in the agreement, in respect of education provided at the school, and
 - (b) such other conditions and requirements in relation to the school as are specified in the agreement.
- (5) A school to which an agreement under this section relates shall be known as an Academy.
- (6) Schedule 35A (which makes provision about land in relation to Academies) has effect.”
- (2) In section 483 of that Act (financial provisions), in subsection (3) (agreements shall include provision for capital repayment), for “shall” there is substituted “ may ”.
- (3) Schedule 7 (which inserts a new Schedule into the Education Act 1996 (c. 56) to make provision about land in relation to Academies, and makes other supplementary provision about Academies) shall have effect.

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 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**

66 Arrangements for admission of pupils to Academies **E+W**

After section 85A of the School Standards and Framework Act 1998 (c. 31) there is inserted—

“85B Functions of admission forums in relation to Academies

- (1) Regulations may authorise or require an admission forum established by a [^{F1}local authority] under section 85A to give advice to the governing body of any Academy in the authority’s area on any matter corresponding to a matter prescribed under subsection (1)(b) of that section.
- (2) The governing body of an Academy shall have regard, in conducting the Academy, to any relevant advice given to them by an admission forum by virtue of subsection (1).”

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 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**

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Commencement Information

- I1** S. 66 partly in force; s. 66 not in force at Royal Assent, see s. 216; s. 66 in force for E. at 20.1.2003 by [S.I. 2002/2952](#), [art. 2](#) (with savings and transitional provisions in [Sch.](#))
- I2** S. 66 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), [art. 2](#)

67 Conversion of city academies into Academies **E+W**

Where a school is known immediately before the coming into force of section 65 as a city academy—

- (a) the agreement made in relation to that school under section 482 of the Education Act 1996 as it had effect at the time the agreement was made shall for all purposes be regarded as having been made under that section as substituted by section 65, and
- (b) accordingly, the school shall be known as an Academy.

68 City colleges **E+W**

- (1) This section applies to a school which is known immediately before the coming into force of section 65 as a city technology college or city college for the technology of the arts.
- (2) If the proprietor of the school and the Secretary of State so agree—
 - (a) the agreement made in relation to the school under section 482 of the Education Act 1996 (c. 56) as it had effect at the time the agreement was made shall for all purposes be regarded as having been made under that section as substituted by section 65, and
 - (b) accordingly, the school shall be known as an Academy.
- (3) Subject to subsection (2), the agreement made in relation to the school under section 482 of the Education Act 1996 as it had effect at the time the agreement was made is not affected by anything in section 65.

69 Uniform statutory trusts **E+W**

In section 557 of the Education Act 1996 (uniform statutory trusts), in the definition of “relevant school” in subsection (10), after “means a relevant school” there is inserted “, Academy, city technology college or city college for the technology of the arts,”.

Proposals to establish, alter or discontinue schools

^{F2}70 Proposals for additional secondary schools **E+W**

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Textual Amendments

- F2** S. 70 repealed (1.9.2006) by [Education Act 2005 \(c. 18\)](#), ss. 66(14), 125(4), [Sch. 19 Pt. 2](#); [S.I. 2006/2129](#), [art. 4](#) (with [art. 6](#))

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^{F4}71 Duty of [^{F3}local authorities] to secure proposals **E+W**

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Textual Amendments

- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), art. 1, Sch. 2 para. 11\(3\)](#)
- F4** S. 71 repealed (1.9.2005) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 19 Pt. 2](#); [S.I. 2006/2129, art. 4](#)

72 Proposals relating to sixth forms **E+W**

(1) After section 113 of the Learning and Skills Act 2000 (c. 21) there is inserted—

“113A Restructuring of sixth-form education

- (1) The Learning and Skills Council for England may make proposals under this section—
- (a) with a view to meeting recommendations made in the report of an area inspection under section 65,
 - (b) with a view to promoting one or more of the relevant objectives, or
 - (c) if—
 - (i) they are made in addition to proposals relating to education or training other than in schools, and
 - (ii) the combined proposals are made with a view to promoting one or more of the relevant objectives.
- (2) The National Council for Education and Training for Wales may make proposals under this section—
- (a) with a view to meeting recommendations made in the report of an area inspection under section 83,
 - (b) with a view to promoting one or more of the relevant objectives, or
 - (c) if—
 - (i) they are made in addition to proposals relating to education or training other than in schools, and
 - (ii) the combined proposals are made with a view to promoting one or more of the relevant objectives.
- (3) For the purposes of this section, the following are “relevant objectives”—
- (a) an improvement in the educational or training achievements of persons who are above compulsory school age but below the age of 19;
 - (b) an increase in the number of such persons who participate in education or training suitable to the requirements of such persons;
 - (c) an expansion of the range of educational or training opportunities suitable to the requirements of such persons.
- (4) Proposals under this section are proposals for one or more of the following—
- (a) the establishment by a [^{F1}local authority] of one or more new community, foundation, community special or foundation special schools to provide secondary education suitable to the requirements

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- of persons who are above compulsory school age but below the age of 19 (and no other secondary education);
- (b) an alteration to one or more maintained schools which relates to the provision of secondary education suitable to the requirements of such persons and is of a description prescribed by regulations;
 - (c) the discontinuance of one or more maintained schools which provide secondary education suitable to the requirements of such persons (and no other secondary education).
- (5) Proposals under this section are to be published and submitted to the relevant authority, which shall—
- (a) approve them, with or without modification or subject to the occurrence of any event, or
 - (b) reject them.
- (6) Schedule 7A (implementation of proposals) has effect.
- (7) In exercising any function conferred by or under this section, the Learning and Skills Council for England and the National Council for Education and Training for Wales must have regard to any guidance given from time to time by the relevant authority.
- (8) Proposals under this section may be made either alone or in addition to proposals under section 51 of the Further and Higher Education Act 1992 (c. 13) (proposals for further education corporations).
- (9) Regulations may make provision about proposals under this section and may in particular make provision about—
- (a) the information to be included in, or provided in relation to, the proposals;
 - (b) publication of the proposals;
 - (c) consultation on the proposals (before or after publication);
 - (d) the making of objections to or comments on the proposals;
 - (e) withdrawal or modification of the proposals;
 - (f) approval of the proposals by the relevant authority.
- (10) For the purposes of sections 496 and 497 of the Education Act 1996 (c. 56) (powers to prevent unreasonable exercise of functions and general default powers), the provisions of this section and Schedule 7A shall be treated as if they were provisions of that Act.
- (11) For the purposes of this section and Schedule 7A—
- “alteration” means an alteration of whatever nature, including the transfer of the school to a new site but excluding any change—
 - (a) in the religious character of the school, or
 - (b) whereby the school would acquire or lose a religious character;
 - “maintained school” means a community, foundation or voluntary school or a community or foundation special school;
 - “regulations” means—
 - (a) in relation to proposals by the Learning and Skills Council for England, regulations made by the Secretary of State, and

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(b) in relation to proposals by the National Council for Education and Training for Wales, regulations made by the National Assembly for Wales;

“relevant authority” means—

(a) in relation to the Learning and Skills Council for England, the Secretary of State; and

(b) in relation to the National Council for Education and Training for Wales, the National Assembly for Wales;

“secondary education” has the same meaning as in section 2 of the Education Act 1996.”

(2) Schedule 9 (which inserts a new Schedule 7A into that Act) shall have effect.

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 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)

Commencement Information

I3 S. 72 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#)

I4 S. 72 in force at 1.8.2004 for W. by [S.I. 2004/1728](#), [art. 4](#), [Sch. Pt. 1](#)

^{F5}73 Proposals by governing bodies of community schools **E+W**

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Textual Amendments

F5 S. 73 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), [s. 188\(3\)](#), [Sch. 18 Pt. 3](#); [S.I. 2007/935](#), [art. 7\(q\)](#)

Commencement Information

I5 S. 73 in force at 1.6.2003 by [S.I. 2003/1115](#), [art. 2](#)

^{F6}74 Proposals for establishment of federated school **E+W**

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Textual Amendments

F6 S. 74 repealed (1.9.2005) by [Education Act 2005 \(c. 18\)](#), [s. 125\(4\)](#), [Sch. 19 Pt. 2](#); [S.I. 2006/2129](#), [art. 4](#)

75 Changes to existing procedures **E+W**

Schedule 10 (which makes amendments to the School Standards and Framework Act 1998 and the Learning and Skills Act 2000 in respect of the procedures for the establishment, alteration and discontinuance of certain maintained schools) shall have effect.

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Commencement Information

- I6** S. 75 in force at 19.12.2002 for certain purposes for W. by [S.I. 2002/3185](#), art. 4, **Sch. Pt. I**
- I7** S. 75 in force at 1.4.2003 for specified purposes except in relation to W. by [S.I. 2003/124](#), **art. 4**
- I8** S. 75 in force at 1.6.2003 so far as not already in force except in relation to W. by [S.I. 2003/1115](#), **art. 3**
- I9** S. 75 in force at 2.1.2008 for W. so far as not already in force by [S.I. 2007/3611](#), art. 4(1), **Sch. Pt. 1**

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