



Education Act 2002

2002 CHAPTER 32

PART 5

SCHOOL ORGANISATION

Academies and city colleges

65 Academies

- (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—
- (a) 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
 - (b) 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—
- (a) 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
 - (b) 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—

Status: Point in time view as at 25/05/2007.

Changes to legislation: Education Act 2002, Cross Heading: Academies and city colleges is up to date with all changes known to be in force on or before 15 September 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)

- (a) the local education authority in whose area the school is to be situated; and
 - (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 local education 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.

66 Arrangements for admission of pupils to Academies

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 local education 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).”

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

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67 Conversion of city academies into Academies

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

- (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

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, ”.

Status:

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Changes to legislation:

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