

EDUCATION AND INSPECTIONS ACT 2006

EXPLANATORY NOTES

COMMENTARY

Part 2: Establishment, Discontinuance Or Alteration of Schools in England

Section 21: Proposals under section 19: procedure

102. This section provides that regulations may make provision about the publication and determination of proposals under section 19. *Subsection (2)* gives examples of specific provision that may be made, and in particular provides that regulations may make provision about the referral of proposals to the adjudicator in prescribed cases. *Subsection (3)* provides that regulations may confer functions on local education authorities, governing bodies and the adjudicator.
103. *Subsection (4)* provides that regulations may enable the Secretary of State to require proposals to be referred to the adjudicator.
104. *Subsection (5)* enables the local education authority or the adjudicator to make a transitional exemption order allowing the full requirements of the Sex Discrimination Act 1975 in respect of co-educational schools to be phased in if a single-sex school becomes co-educational. (This re-enacts the provisions of paragraph 21 of Schedule 6 to the 1998 Act.)
105. *Subsection (6)* provides that regulations may require any persons exercising functions under the regulations to have regard to guidance issued by the Secretary of State.