



Education and Inspections Act 2006

2006 CHAPTER 40

PART 2

ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

General

28 Restriction on establishment, alteration or discontinuance of schools

- (1) Except in pursuance of proposals falling to be implemented under this Part ^{F1}...—
 - (a) no maintained school may be established or discontinued;
 - (b) no prescribed alteration may be made to a maintained school.
- (2) In subsection (1)(b) “prescribed alteration”, in relation to a maintained school, means an alteration prescribed under section 18.
- (3) Subsection (1) has effect subject to—
 - (a) sections 17(5) and 68(4) (which relate to powers of the Secretary of State to require a maintained school to be discontinued), and
 - (b) section 30(9) of SSFA 1998 (notice by governing body to discontinue foundation or voluntary school).
- (4) Except in pursuance of proposals falling to be implemented under section 27, no alteration falling within section 25(4)(a) or (b) may be made to a foundation or foundation special school.

Textual Amendments

- F1** Words in s. 28(1) repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I.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. 59, **Sch. 2 Pt. 1** (with art. 2(3))

Status: Point in time view as at 01/04/2010.

Changes to legislation: Education and Inspections Act 2006, Cross Heading: General is up to date with all changes known to be in force on or before 13 June 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)

Commencement Information

I1 S. 28 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(g\)](#)

29 Abolition of school organisation committees

Section 24 of, and Schedule 4 to, SSFA 1998 (which require local education authorities in England to establish a school organisation committee for their area) cease to have effect.

Commencement Information

I2 S. 29 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(g\)](#)

30 Amendments relating to school organisation

Schedule 3 contains amendments relating to school organisation.

Commencement Information

I3 S. 30 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(g\)](#)

31 Transitional provisions

- (1) The Secretary of State may by regulations make such transitional provision as he considers appropriate in connection with the commencement of this Part.
- (2) Regulations under this section may, in particular, make provision with respect to—
 - (a) the determination or implementation of proposals made under the previous enactments,
 - (b) references made to school organisation committees or adjudicators under the previous enactments.
- (3) This section does not limit the powers conferred by section 183.
- (4) In this section “the previous enactments” means—
 - (a) sections 28, 28A, 29, 31 and 35 of, and Schedules 6 and 8 to, SSFA 1998 (establishment, alteration, discontinuance or change of category of schools) so far as applying to England, and
 - (b) sections 66 and 67 of, and Schedules 10 and 11 to, EA 2005.

Commencement Information

I4 S. 31 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(g\)](#)

32 Interpretation of Part 2

- (1) In this Part, except where the contrary intention appears—
 “adjudicator” is to be read in accordance with section 25(3) of SSFA 1998;

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“discontinue”, in relation to a maintained school, is to be read in accordance with section 15(8);

“foundation”, in relation to a foundation or voluntary school, has (subject to sections 25(8) and 27(8)) the meaning given by section 21(3) of SSFA 1998;

“local education authority”, in relation to a school maintained (or proposed to be maintained) by a local education authority, means that authority;

“maintain”, in relation to a maintained school, has the same meaning as in SSFA 1998;

“maintained school” means any of the following schools in England—

- (a) a community, foundation or voluntary school,
- (b) a community or foundation special school, or
- (c) a maintained nursery school;

“prescribed” means prescribed by regulations;

“regulations” means regulations made under this Part by the Secretary of State.

- (2) For the purposes of this Part, a foundation or voluntary school has a religious character if it is designated by order under section 69(3) of SSFA 1998 as a school having such a character.

Commencement Information

I5 S. 32 in force at 1.4.2007 by S.I. 2007/935, art. 5(g)

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