



Education and Inspections Act 2006

2006 CHAPTER 40

PART 2

ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

Establishment of new schools

10 Publication of proposals with consent of Secretary of State

- (1) A [^{F1}local authority] in England may with the consent of the Secretary of State publish under this section their proposals to establish [^{F2}a new community, community special, foundation or foundation special school, which—
 - (a) is not to be one providing education suitable only to the requirements of persons above compulsory school age, and
 - (b) is to replace one or more maintained schools, except where section 11(A2) applies or in a case within section 11(A3).]
- (2) Any persons (“proposers”) may with the consent of the Secretary of State publish under this section their proposals to establish (otherwise than pursuant to a notice under section 7) a new foundation, voluntary [^{F3} controlled] or foundation special school in England other than—
 - (a) one providing education suitable only to the requirements of persons above compulsory school age, or
 - (b) one in relation to which proposals fall to be published under section 11 by virtue of subsection [^{F4} (2)] of that section.
- (3) Proposals under this section must—
 - (a) contain such information, and
 - (b) be published in such manner,as may be prescribed.
- (4) Before publishing any proposals under this section, the [^{F1}local authority] or proposers (as the case may be) must consult such persons as appear to them to be appropriate;

Status: Point in time view as at 01/02/2012. This version of this provision has been superseded.

Changes to legislation: Education and Inspections Act 2006, Section 10 is up to date with all changes known to be in force on or before 07 August 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)

and in discharging their duty under this subsection the authority or proposers must have regard to any guidance given from time to time by the Secretary of State.

- (5) Where any proposals are published under subsection (2), the proposers must submit the proposals in accordance with regulations to the [^{F1}local authority] who it is proposed should maintain the school.
- (6) Schedule 2 has effect in relation to the consideration, approval and implementation of proposals under this section.

Textual Amendments

- F1** Words in Pts. 1-7 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. 14(2)**
- F2** Words in s. 10(1) substituted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 11 para. 6(2)**; [S.I. 2012/84](#), art. 3 (with art. 4)
- F3** Word in s. 10(2) inserted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 11 para. 6(3)(a)**; [S.I. 2012/84](#), art. 3 (with art. 4)
- F4** Word in s. 10(2)(b) substituted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 11 para. 6(3)(b)**; [S.I. 2012/84](#), art. 3 (with art. 4)

Modifications etc. (not altering text)

- C1** S. 10 modified (E.) (25.5.2007) by [The School Organisation \(Establishment and Discontinuance of Schools\) \(England\) Regulations 2007 \(S.I. 2007/1288\)](#), reg. 1(1), **Sch. 7 Pt. 2**

Commencement Information

- I1** S. 10 in force at 25.5.2007 by [S.I. 2007/935](#), art. 7(b)

Status:

Point in time view as at 01/02/2012. This version of this provision has been superseded.

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