



Education and Inspections Act 2006

2006 CHAPTER 40

PART 2 **E+W**

ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

Removal of foundation or reduction in foundation governors

27 **Proposals under section 25: implementation** **E+W**

- (1) Regulations may make provision in connection with the implementation of proposals under section 25 which have been approved in accordance with regulations under section 26.
- (2) Regulations under this section may, in particular—
 - (a) make provision for the revision or replacement of the school's instrument of government and the reconstitution of its governing body;
 - (b) make provision for the transfer of property, rights and liabilities;
 - (c) make provision about the manner in which, and time within which, anything required or authorised by the regulations must be done.
- (3) Regulations made by virtue of subsection (2)(b) may make provision about any of the matters mentioned in section 24(5)(a) to (i).
- (4) Where—
 - (a) any land forming part of the school premises (“the excluded land”) is not transferred to the governing body, and
 - (b) the governing body, a [^{F1}local authority] or a prescribed person has incurred capital expenditure in relation to the excluded land or in relation to other land the proceeds of the disposal of which were used to acquire or enhance the value of the excluded land,

regulations under this section may authorise or require the foundation to pay any part of the value of the excluded land to the governing body, the [^{F1}local authority] or a prescribed person.

Changes to legislation: Education and Inspections Act 2006, Section 27 is up to date with all changes known to be in force on or before 14 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) View outstanding changes

(5) Where—

- (a) any land forming part of the school premises (“the transferred land”) is transferred to the governing body, and
- (b) the foundation has incurred capital expenditure in relation to the transferred land or in relation to other land the proceeds of the disposal of which were used to acquire or enhance the value of the transferred land,

regulations under this section may authorise or require the governing body to pay any part of the value of the transferred land to the foundation.

- (6) Regulations under this section may require any prescribed person, in exercising functions under the regulations, to have regard to any guidance given from time to time by the Secretary of State.
- (7) The implementation of proposals under section 25 is not to be taken as authorising any change in the religious character of the school or the loss of religious character.
- (8) In this section “foundation” means a foundation established otherwise than under SSFA 1998.

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)**

Commencement Information

- I1** S. 27(1)-(6) (8) in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(f)**
- I2** S. 27(7) in force at 25.5.2007 by [S.I. 2007/935](#), **art. 7(f)**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)