



# Academies Act 2010

## 2010 CHAPTER 32

### *Academies: other provisions*

#### [<sup>F19</sup> **Impact: new and expanded educational institutions** **E+W**]

- (1) This section applies if the Secretary of State is deciding whether to enter into Academy arrangements in relation to—
  - (a) a new educational institution, or
  - (b) an existing educational institution that, if the arrangements are entered into, will provide education for pupils of a wider range of ages.
- (2) The Secretary of State must take into account what the impact of entering into the arrangements would be likely to be on maintained schools, Academies, institutions within the further education sector and alternative provision in the area in which the institution is proposed to be, or is, situated.
- (3) An educational institution is not new for the purposes of this section if—
  - (a) it replaces one or more maintained schools, Academies or sixth form colleges that have been or are to be discontinued, and
  - (b) it provides education for persons of the same range of ages as the institution it replaces (or, as the case may be, the institutions it replaces, taken together).
- (4) “Alternative provision” means educational provision for which a local authority has made arrangements under section 19 of EA 1996 (exceptional provision of education in pupil referral units or elsewhere).]

#### **Textual Amendments**

**F1** S. 9 substituted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), ss. **60(1)**, 82(3); S.I. 2012/84, art. 3

#### **Modifications etc. (not altering text)**

**C1** S. 9(4) modified (18.5.2012) by [The Wiltshire Council \(Arrangements for the Provision of Suitable Education\) Order 2012 \(S.I. 2012/1107\)](#), arts. 1(2)(a), **8** (with art. 5)

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#### Commencement Information

**I1** S. 9 in force at 29.7.2010 by [S.I. 2010/1937](#), art. 2, [Sch. 1](#)

### [<sup>F2</sup>10 Consultation: new and expanded educational institutions **E+W**

- (1) This section applies before a person enters into Academy arrangements with the Secretary of State in relation to—
  - (a) a new educational institution, other than a new educational institution that is the subject of proposals under section 7 of EIA 2006 (proposals to establish new school following invitation from local authority), or
  - (b) an existing educational institution that, if the arrangements are entered into, will provide education for pupils of a wider range of ages.
- (2) The person must carry out a consultation on the question of whether the arrangements should be entered into.
- (3) The consultation must seek the views of such persons as the person carrying it out thinks appropriate.
- (4) Section 9(3) (when educational institution not new) applies for the purposes of this section.]

#### Textual Amendments

**F2** S. 10 substituted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 60\(2\)](#), [82\(3\)](#); [S.I. 2012/84](#), art. 3

#### Commencement Information

**I2** S. 10 in force at 29.7.2010 by [S.I. 2010/1937](#), art. 2, [Sch. 1](#)

### [<sup>F3</sup>10A Charges at boarding Academies **E+W**

- (1) This section applies where—
  - (a) a registered pupil at [<sup>F4</sup> an Academy school or an alternative provision Academy ] is provided with board and lodging at the Academy, and
  - (b) the local authority for the pupil's area is satisfied that either condition A or condition B is met.
- (2) Condition A is that education suitable to the pupil's age, ability and aptitude, and to any special educational needs the pupil may have, cannot otherwise be provided for the pupil.
- (3) Condition B is that payment of the full amount of the charges in respect of the board and lodging would involve financial hardship to the pupil's parent.
- (4) If the authority is satisfied that condition A is met, the authority must pay the full amount of the charges in respect of the board and lodging to the proprietor of the Academy.
- (5) If the authority is satisfied that condition B is met, the authority must pay to the proprietor of the Academy so much of the charges in respect of the board and lodging as, in the opinion of the authority, is needed to avoid financial hardship to the pupil's parent.

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- (6) The proprietor of the Academy must remit the charges that would otherwise be payable by the pupil's parent, to the extent that it receives a payment from the local authority in respect of those charges under subsection (4) or (5).]

#### Textual Amendments

- F3** S. 10A inserted (15.1.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 61**, 82(2)(e)  
**F4** Words in s. 10A(1)(a) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 4**; [S.I. 2012/924](#), art. 2

## 11 Annual reports **E+W**

- (1) For each academic year the Secretary of State must prepare and publish a report containing information on—
- Academy arrangements entered into during the year, and
  - the performance of Academies during the year (see subsection (2)).
- (2) The report must include information relating to the performance of Academies which has been provided to the Secretary of State pursuant to—
- regulations made under section 537 of EA 1996 (power of Secretary of State to require information);
  - Academy arrangements.
- (3) The first report under this section must relate to the academic year beginning 1 August 2010.
- (4) The Secretary of State must lay before Parliament a copy of each report under this section.
- (5) In this section “academic year” means a period of 12 months beginning on 1 August.

#### Commencement Information

- I3** S. 11 in force at 29.7.2010 by [S.I. 2010/1937](#), art. 2, **Sch. 1**

## 12 Charitable [<sup>F5</sup>and trust corporation] status of Academy proprietors etc **E+W**

- (1) A qualifying Academy proprietor is a charity.
- [<sup>F6</sup>(1A) In the definition of “trust corporation” in the provisions listed in subsection (1B), the reference to a corporation appointed by the court in any particular case to be a trustee includes a reference to a qualifying Academy proprietor.
- (1B) The provisions are—
- section 117(1)(xxx) of the Settled Land Act 1925;
  - paragraph (18) of section 68(1) of the Trustee Act 1925;
  - section 205(1)(xxviii) of the Law of Property Act 1925;
  - section 55(1)(xxvi) of the Administration of Estates Act 1925;
  - section 128 of the Senior Courts Act 1981.]
- (2) A “qualifying Academy proprietor” is a company—

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- (a) which is limited by guarantee,
  - (b) whose registered office is situated in England and Wales,
  - (c) which in pursuance of Academy arrangements is the proprietor of an Academy, and
  - (d) whose object as expressed in its articles or memorandum of association (or each of whose objects as so expressed) is a charitable purpose.
- (3) Expressions used in subsection (2) and in the Companies Act 2006 have the same meaning in that subsection as in that Act.
- <sup>F7</sup>(4) . . . . .
- <sup>F8</sup>(5) The setting up, establishment and running of a secure 16 to 19 Academy is to be treated as a charitable purpose that falls within the description in section 3(1)(b) of the Charities Act 2011 (advancement of education) for the purposes of—
- (a) this section,
  - (b) the Charities Act 2011, and
  - (c) any other enactment that applies (in whatever way) the definition of “charitable purpose” in section 2 of that Act.
- (6) But subsection (5) is to be disregarded in determining, in accordance with section 3(1)(m) of the Charities Act 2011, whether a purpose may be regarded as analogous to, or within the spirit of, a purpose falling within paragraph (b) of section 3(1) of that Act.]

#### Textual Amendments

- F5** Words in s. 12 heading inserted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 14 para. 20\(3\)](#); [S.I. 2012/84](#), art. 3 (with art. 5)
- F6** S. 12(1A)-(1B) inserted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 14 para. 20\(2\)](#); [S.I. 2012/84](#), art. 3 (with art. 5)
- F7** S. 12(4) repealed (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 10](#) (with s. 20(2), [Sch. 8](#))
- F8** [S. 12\(5\)\(6\)](#) inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 164\(2\)](#), [208\(4\)\(t\)](#)

#### Commencement Information

- I4** S. 12(1)-(3) in force at 29.7.2010 by [S.I. 2010/1937](#), art. 2, [Sch. 1](#)
- I5** S. 12(4) in force at 1.1.2011 in so far as not already in force by [S.I. 2010/1937](#), art. 4, [Sch. 3](#)
- I6** S. 12(4) in force at 1.8.2011 by [S.I. 2011/1149](#), [art. 2](#)

### 13 Academies: land E+W

Schedule 1 (Academies: land) has effect.

#### Commencement Information

- I7** S. 13 in force at 29.7.2010 by [S.I. 2010/1937](#), art. 2, [Sch. 1](#)

### 14 Academies: amendments E+W

Schedule 2 (Academies: amendments) has effect.

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#### **Commencement Information**

- I8** S. 14 in force at 29.7.2010 for specified purposes by [S.I. 2010/1937, art. 2, Sch. 1](#)
- I9** S. 14 in force at 1.9.2010 for specified purposes by [S.I. 2010/1937, art. 3, Sch. 2](#)
- I10** S. 14 in force at 1.1.2011 in so far as not already in force by [S.I. 2010/1937, art. 4, Sch. 3](#)

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**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):

- Sch. 1 para. 9A and cross-heading inserted by [2023 c. 55 s. 235\(1\)](#)