



Children, Schools and Families Act 2010

2010 CHAPTER 26

PART 1

CHILDREN AND SCHOOLS

Powers of governing bodies

5 Power to form company to establish Academy, etc

- (1) The governing body of a maintained school in England may—
- (a) form, or participate in forming, a company to enter into [^{F1}Academy arrangements], and
 - (b) do anything which appears to them to be necessary or expedient in connection with a proposal that [^{F2}Academy arrangements] be entered into with a company formed (or proposed to be formed) by them under paragraph (a).

References in this subsection to a company are to a company registered under the Companies Act 2006 as a company limited by guarantee.

- (2) The governing body of a maintained school in England—
- (a) may be a member of a company which they have formed, or participated in forming, under subsection (1)(a), and
 - (b) may be a member of a company which is not within paragraph (a) but which is party to [^{F3}Academy arrangements].
- (3) The power conferred by subsection (1)(b) includes, in particular, power—
- (a) to incur expenditure;
 - (b) to enter into arrangements or agreements with any person.
- (4) This section is not to be read as limiting any powers that the governing body of a maintained school have otherwise than by virtue of this section.
- (5) In this section “maintained school” means a community, foundation or voluntary school or a community or foundation special school.

Changes to legislation: There are currently no known outstanding effects for the Children, Schools and Families Act 2010, Section 5. (See end of Document for details)

Textual Amendments

- F1** Words in s. 5(1)(a) substituted (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), **Sch. 2 para. 26(2)(a)**; S.I. 2010/1937, art. 2, Sch. 1
- F2** Words in s. 5(1)(b) substituted (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), **Sch. 2 para. 26(2)(b)**; S.I. 2010/1937, art. 2, Sch. 1
- F3** Words in s. 5(2)(b) substituted (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), **Sch. 2 para. 26(3)**; S.I. 2010/1937, art. 2, Sch. 1

Commencement Information

- I1** S. 5 in force at 19.7.2010 by S.I. 2010/1817, **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Children, Schools and Families Act 2010, Section 5.