



Academies Act 2010

2010 CHAPTER 32

Academies: other provisions

[^{F19} **Impact: new and expanded educational institutions**

- (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)

Changes to legislation: Academies Act 2010, Section 9 is up to date with all changes known to be in force on or before 09 May 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](#)

Commencement Information

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

Changes to legislation:

Academies Act 2010, Section 9 is up to date with all changes known to be in force on or before 09 May 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.

[View outstanding changes](#)

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\(1\)](#)