



Education Act 1996

1996 CHAPTER 56

PART IX

ANCILLARY FUNCTIONS

CHAPTER II

ANCILLARY FUNCTIONS OF [F¹LOCAL AUTHORITIES]

Acquisition and holding of property

529 Power to accept gifts on trust for educational purposes.

(1) A [F¹local authority] may accept, hold and administer any property on trust for purposes connected with education.

[F²(1A) Any intention on the part of a [F¹local authority] in England that a school should be vested in the authority as trustees shall be treated for the purposes of sections 7, 10 and 11 of the Education and Inspections Act 2006 as an intention to establish a new community school, community special school or maintained nursery school (so that proposals for that purpose shall be published in accordance with those sections); and Schedule 2 to that Act (proposals for establishment or discontinuance of schools in England) shall apply accordingly.]

(2) Any intention on the part of a [F¹local authority][F³ in Wales] that a school ^{F⁴}... should be vested in the authority as trustees shall be treated for [F⁵ for the purposes of sections [F⁶28 and 31 of the School Standards and Framework Act 1998][F⁶41 and 44 of the School Standards and Organisation (Wales) Act 2013] as an intention to establish a new community school, community special school or maintained nursery school [F⁷(so that proposals for that purpose shall be published as required by those sections); and Schedule 6 to that Act (statutory proposals concerning schools in Wales)[F⁷ and sections 48 to 55 of, and Schedule 3 to, that Act (school organisation proposals] : procedure and implementation) shall apply accordingly.]

Changes to legislation: Education Act 1996, Cross Heading: Acquisition and holding of property is up to date with all changes known to be in force on or before 13 April 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

- (3) Any school which in accordance with subsection [F8 (1A) or] (2) is vested in a [F1 local authority] as trustees shall be [F9 a community school]. [F10, a community special school or a maintained nursery school.]

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F2** S. 529(1A) inserted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 3 para. 10(2)**; S.I. 2007/935, art. 7(o)
- F3** Words in s. 529(2) inserted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 3 para. 10(3)(a)**; S.I. 2007/935, art. 7(o)
- F4** Words in s. 529(2) repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 3 para. 10(3)(b), **Sch. 18 Pt. 3**; S.I. 2007/935, art. 7(o)(q)
- F5** Words in s. 529(2) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 3 para. 10(3)(c)**; S.I. 2007/935, art. 7(o)
- F6** Words in s. 529(2) substituted (1.10.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 17(5)(a)**; S.I. 2013/1800, art. 3(j)
- F7** Words in s. 529(2) substituted (1.10.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 17(5)(b)**; S.I. 2013/1800, art. 3(j)
- F8** Words in s. 529(3) inserted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 3 para. 10(4)(a)**; S.I. 2007/935, art. 7(o)
- F9** Words in s. 529(3) substituted (1.9.1999) by [1998 c. 31](#), s. 140(1), **Sch. 30 para. 145(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
- F10** Words in s. 529(3) inserted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 3 para. 10(4)(b)**; S.I. 2007/935, art. 7(o)

530 Compulsory purchase of land.

- (1) The Secretary of State may authorise a [F1 local authority] to purchase compulsorily any land (whether within or outside their area) which—
- (a) is required for the purposes of any school or institution which is, or is to be, maintained by them or which they have power to assist, or
 - (b) is otherwise required for the purposes of their functions under this Act, or
 - [F11(c) is required for the purposes of an Academy (whether established or to be established).]
- (2) The Secretary of State shall not authorise the compulsory purchase of any land required for the purposes of a [F12 foundation, voluntary or foundation special school] unless he is satisfied that the arrangements made—
- (a) as to the vesting of the land to be purchased, and
 - (b) as to the appropriation of that land for the purposes of the school,
- are such as to secure that the expenditure ultimately borne by the [F1 local authority] will not include any expenditure which, if the land had been purchased by the governing body of the school, would have fallen to be borne by the governing body.
- (3) Subsection (2) shall not, however, apply where the [F1 local authority] propose that expenditure to be incurred in connection with the purchase should ultimately be [F13 borne by them—

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- (a) in the case of an authority in England, ^{F14}... under any provision of regulations under section 24 of the Education and Inspections Act 2006 (implementation of proposals under section 19 of that Act) which by virtue of subsection (7) of section 24 of that Act authorises a [^{F14}local authority] to provide assistance to the governing body of a voluntary aided school in connection with the implementation of the obligations of the governing body under the regulations, or
- (b) in the case of an authority in Wales, under [^{F15}paragraph 18 of Schedule 6 to the School Standards and Framework Act 1998 (power to give assistance to governing body of voluntary aided school in carrying out statutory proposals) (including that provision as applied by any enactment).][^{F15}paragraph 9 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013 (assistance in respect of maintenance and other obligations relating to voluntary aided schools) (including that paragraph as applied by section 76(3) of that Act)]
- (4) In this section “land” includes buildings and other structures and land covered with water.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F11** S. 530(1)(c) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 3 para. 11(2)**; S.I. 2007/935, art. 7(o)
- F12** Words in s. 530(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 146(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
- F13** Words in s. 530(3) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 3 para. 11(3)**; S.I. 2007/935, art. 7(o)
- F14** Words in s. 530(3)(a) repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), Sch. 1 para. 32, **Sch. 2 Pt. 1** (with art. 2(3))
- F15** Words in s. 530(3)(b) substituted (1.10.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 17(6)**; S.I. 2013/1800, art. 3(j)

531 Acquisition of land by agreement.

- (1) For the removal of doubt, it is declared that making land available for the purposes of a school or institution—
- (a) which is, or is to be, maintained by a [^{F1}local authority], or
- (b) which such an authority have power to assist,
- is a function of the authority within the meaning of section 120 of the ^{M1}Local Government Act 1972 (which relates to the acquisition by a local authority by agreement of land for the purpose of any of their functions), even though the land will not be held by the authority.
- (2) A [^{F1}local authority] shall not acquire by agreement any land required for the purposes of [^{F16}foundation, voluntary or foundation special school] unless they are satisfied that the arrangements made—
- (a) as to the vesting of the land to be acquired, and

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(b) as to the appropriation of that land for the purposes of the school, are such as to secure that the expenditure ultimately borne by them will not include any expenditure which, if the land had been acquired by the governing body of the school, would have fallen to be borne by the governing body.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F16** Words in s. 531(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.147** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
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Marginal Citations

- M1** 1972 c. 70.

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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):

- s. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)