



# Education Act 1996

## 1996 CHAPTER 56

### PART III

#### GRANT-MAINTAINED SCHOOLS

### CHAPTER X

#### GENERAL AND MISCELLANEOUS

#### *Transfer and disposal of premises*

#### **297 Disposal of premises on transfer of school to new site**

(1) Where—

- (a) the funding authority pay capital grant in respect of a transfer of a grant-maintained school to a new site authorised under Chapter VII, and
- (b) the governing body or any trustees of the school possess, or are or may become entitled to, a sum representing the proceeds of disposal of other premises which have been used for the purposes of the school,

the governing body or (as the case may be) the trustees or their successors shall pay to the Secretary of State the whole of that sum, if it is equal to or less than the amount of the capital grant, and otherwise so much of it as is required to repay that amount.

- (2) Any sum paid under subsection (1) shall, in a case where any interest in the new site has vested in any trustees of the school, be treated for the purposes of section 14 of the Schools Sites Act 1841 (which relates to the sale or exchange of land held on trust for the purposes of a school) as a sum applied in the purchase of a site for the school.
- (3) Where trustees of a grant-maintained school are required to pay any sum to the Secretary of State under subsection (1) in a case where any interest in the new site is or is to be held by the governing body, then—

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*Status: This is the original version (as it was originally enacted).*

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- (a) if the interest or, as the case may be, all the interests held by any persons for the purposes of the school in the previous site were freehold interests held by the trustees, the governing body shall transfer their interest in the new site to the trustees, and
  - (b) if in any other case the trustees held any interest in the previous site, the governing body shall, if directed to do so by the Secretary of State, transfer to the trustees their interest in the whole of the new site or such part of it as may be specified in the direction.
- (4) Where trustees of a grant-maintained school are required to pay any sum to the Secretary of State under subsection (1) in a case in which they may also be required to pay any sum to a local education authority under section 62(2) in respect of the disposal of the same premises, section 62(2) shall have effect as if—
- (a) in relation to that disposal, the reference to the purchase money paid in respect of the acquisition of the premises were a reference to so much of the amount of that purchase money as remains after deducting the amount of the payment under subsection (1) above, and
  - (b) any premises transferred to the trustees in pursuance of subsection (3) above were premises conveyed by the authority as mentioned in section 62(2).
- (5) In subsection (3)(a) “site” does not include playing fields.