

SCHEDULES

SCHEDULE 4

DISPOSALS AND CHANGES OF USE OF LAND

PART 1

AMENDMENTS TO SCHEDULE 22 TO SSFA 1998

- 9 (1) Paragraph 5 is amended as follows.
- (2) In sub-paragraph (1)(b)—
- (a) for “Secretary of State” substitute “appropriate authority”, and
 - (b) for sub-paragraphs (i) and (ii) substitute—
 - “(i) under section 19(1) requiring a foundation, voluntary or foundation special school in Wales to be discontinued,
 - (ii) under section 32(1) requiring a foundation special school in Wales to be discontinued,
 - (iii) under section 68(1) of the Education and Inspections Act 2006 requiring a foundation, voluntary or foundation special school in England to be discontinued, or
 - (iv) under section 17(1) of that Act requiring a foundation special school in England to be discontinued.”
- (3) In sub-paragraph (2) for the words from “Secretary of State” to the end substitute “appropriate authority for it to exercise its powers under sub-paragraph (4) below in relation to—
- (a) if the school is in England, any land falling within paragraphs (a) to (i) of paragraph A1(1) other than land falling within sub-paragraph (2A), or
 - (b) if the school is in Wales, any land falling within paragraphs (a) to (f) of paragraph 1(1),
- which is held by the body for the purposes of the school.”
- (4) After sub-paragraph (2) insert—
- “(2A) Land falls within this sub-paragraph if it is—
- (a) land falling within paragraph (g) of paragraph A1(1) by virtue of being land enhanced in value as mentioned in that paragraph, or
 - (b) land falling within paragraph (i) of paragraph A1(1) by virtue of being land acquired, or enhanced in value, wholly or partly with

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the proceeds of disposal of any land falling within paragraph (a) above.

(2B) If the school is in England and the governing body dispose of any land falling within sub-paragraph (2A) which is held by them for the purposes of the school, paragraph A1 shall apply to them.”

(5) In sub-paragraph (3) for the words from “Secretary of State” to the end substitute “appropriate authority for it to exercise its powers under sub-paragraph (4) below in relation to—

- (a) if the school is in England, any land falling within paragraphs (a) to (h) of paragraph A7(1) other than land falling within sub-paragraph (3A), or
- (b) if the school is in Wales, any land falling within paragraphs (a) to (f) of paragraph 2(1),

which is held by the body for the purposes of the schools comprising the group.”

(6) After sub-paragraph (3) insert—

“(3A) Land falls within this sub-paragraph if it is—

- (a) land falling within paragraph (f) of paragraph A7(1) by virtue of being land enhanced in value as mentioned in that paragraph, or
- (b) land falling within paragraph (h) of paragraph A7(1) by virtue of being land acquired, or enhanced in value, wholly or partly with the proceeds of disposal of any land falling within paragraph (a) above.

(3B) If the school is in England and the foundation body disposes of any land falling within sub-paragraph (3A) which is held by it for the purposes of the schools comprising the group, paragraph A7 shall apply to it.”

(7) In sub-paragraph (4)—

- (a) for “Secretary of State” substitute “appropriate authority”,
- (b) for paragraph (a) substitute—
 - “(a) require the land or any part of the land to be transferred to such local authority as the appropriate authority may specify, subject to the payment by that local authority of such sum by way of consideration (if any) as the appropriate authority determines to be appropriate;”,
- (c) in paragraph (b) for “him” and “he” substitute “the appropriate authority”, and
- (d) in paragraph (c) for “he” substitute “the appropriate authority”.

(8) After sub-paragraph (4) insert—

“(4ZA) Where the school is in England, the trustees of the school shall apply to the appropriate authority for it to exercise its powers under sub-paragraph (4B) in relation to any land falling within paragraph A13(1), (2) or (3), other than land falling within sub-paragraph (4ZB), which is held by the trustees for the purposes of the school.

(4ZB) Land falls within this sub-paragraph if it is—

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- (a) land falling within paragraph (j) of paragraph A13(1) by virtue of being land enhanced in value as mentioned in that paragraph, or
- (b) land falling within paragraph (k) of paragraph A13(1) by virtue of being land acquired, or enhanced in value, wholly or partly with the proceeds of disposal of any land falling within paragraph (a) above.”

(9) In sub-paragraph (4A)—

- (a) after “Where the school” insert “is in Wales and”, and
- (b) for “Secretary of State for him to exercise his” substitute “appropriate authority for it to exercise its”.

(10) In sub-paragraph (4B)—

- (a) after “under sub-paragraph” insert “(4ZA) or”,
- (b) for “Secretary of State” substitute “appropriate authority”,
- (c) for paragraph (a) substitute—
 - “(a) require the land or any part of the land to be transferred to such local authority as the appropriate authority may specify, subject to the payment by that local authority of such sum by way of consideration (if any) as the appropriate authority determines to be appropriate;”,
- (d) in paragraph (b) for the words from “for the purposes of another” to the end substitute “—
 - (i) in the case of a school in England, for the purposes of another foundation, voluntary or foundation special school, or
 - (ii) in the case of a school in Wales, for the purposes of another foundation or foundation special school or for the purposes of a voluntary school,

direct the trustees to exercise that power in such manner as the appropriate authority may specify;”,

- (e) in paragraph (c) after “sub-paragraph” insert “(4ZA) or, as the case may be;”, and
- (f) in paragraphs (c) and (d) for “he”, wherever occurring, substitute “the appropriate authority”.

(11) In sub-paragraph (5)—

- (a) after “(3)” insert “, (4ZA)”, and
- (b) for “Secretary of State” substitute “appropriate authority”.

(12) After that sub-paragraph insert—

“(5A) Where the school is in England and the trustees of the school—

- (a) dispose of any land falling within sub-paragraph (4ZB), or
 - (b) wish to use any such land for purposes not connected with the provision of education in maintained schools,
- paragraph A13 shall apply to them.”

(13) In sub-paragraph (6) after “Where” insert “the school is in Wales and”.