

*Status: Point in time view as at 01/02/2012.*

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## SCHEDULES

### SCHEDULE 14 **E+W**

#### ACADEMIES: LAND

##### *Amendments to Schedule 22 to SSFA 1998*

- 2 Schedule 22 to SSFA 1998 (disposals of land in case of certain schools and disposals on discontinuance) is amended as set out in paragraphs 3 to 15.

#### **Commencement Information**

**II** Sch. 14 para. 2 in force at 1.2.2012 by S.I. 2012/84, art. 3 (with art. 5)

- 3 In paragraph A1, in sub-paragraph (1)(b), at the end insert—  
“paragraph 15(3)(d) or 16(6)(d) of Schedule 1 to the Academies Act 2010,”.

#### **Commencement Information**

**I2** Sch. 14 para. 3 in force at 1.2.2012 by S.I. 2012/84, art. 3 (with art. 5)

- 4 After paragraph A1, insert—
- “A1A1) This paragraph applies to a disposal of land to which paragraph A1 applies if, or to the extent that, it comprises a disposal of non-playing field land.
- (2) “Non-playing field land” means land which does not include playing fields within the meaning of section 77.
- (3) Accordingly, in this paragraph, paragraphs A2 to A5 and paragraph A19—
- (a) references to the disposal are to the disposal by the governing body of the non-playing field land, and
- (b) references to the land are to that non-playing field land.
- (4) The governing body must give the Secretary of State notice of their intention to dispose of the land.
- (5) On receipt of the notice, the Secretary of State must—
- (a) decide whether to make a direction under paragraph 12 of Schedule 1 to the Academies Act 2010 (transfer to Academy) in respect of the land, and
- (b) notify the governing body of that decision.
- (6) The governing body may not dispose of the land until they have been notified of the Secretary of State's decision.
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- (7) If the Secretary of State decides to make a direction in respect of the land, the governing body may not dispose of the land except in accordance with the direction.”

**Commencement Information**

**I3** Sch. 14 para. 4 in force at 1.2.2012 by S.I. 2012/84, art. 3 (with art. 5)

- 5 In paragraph A2, for sub-paragraphs (1) to (3), substitute—

“(1) This paragraph applies where a governing body receives a notification under paragraph A1A(5)(b) that the Secretary of State has decided not to make a direction in respect of the land.”

**Commencement Information**

**I4** Sch. 14 para. 5 in force at 1.2.2012 by S.I. 2012/84, art. 3 (with art. 5)

- 6 In paragraph A7, in sub-paragraph (1)(b), at the end insert—

“paragraph 15(3)(d) or 16(6)(d) of Schedule 1 to the Academies Act 2010.”.

**Commencement Information**

**I5** Sch. 14 para. 6 in force at 1.2.2012 by S.I. 2012/84, art. 3 (with art. 5)

- 7 After paragraph A7, insert—

“A7A1) This paragraph applies to a disposal of land to which paragraph A7 applies if, or to the extent that, it comprises a disposal of non-playing field land.

(2) “Non-playing field land” means land which does not include playing fields within the meaning of section 77.

(3) Accordingly, in this paragraph, paragraphs A8 to A11 and paragraph A19—

(a) references to the disposal are to the disposal by the foundation body of the non-playing field land, and

(b) references to the land are to that non-playing field land.

(4) The foundation body must give the Secretary of State notice of its intention to dispose of the land.

(5) On receipt of the notice, the Secretary of State must—

(a) decide whether to make a direction under paragraph 12 of Schedule 1 to the Academies Act 2010 (transfer to Academy) in respect of the land, and

(b) notify the foundation body of that decision.

(6) The foundation body may not dispose of the land until it has been notified of the Secretary of State's decision.

(7) If the Secretary of State decides to make a direction in respect of the land, the foundation body may not dispose of the land except in accordance with the direction.”

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**Commencement Information**

**I6** Sch. 14 para. 7 in force at 1.2.2012 by S.I. 2012/84, art. 3 (with art. 5)

8 In paragraph A8, for sub-paragraphs (1) to (3), substitute—

“(1) This paragraph applies where a foundation body receives a notification under paragraph A7A(5)(b) that the Secretary of State has decided not to make a direction in respect of the land.”

**Commencement Information**

**I7** Sch. 14 para. 8 in force at 1.2.2012 by S.I. 2012/84, art. 3 (with art. 5)

9 (1) Paragraph A13 is amended as follows.

(2) In sub-paragraph (1)(d), at the end insert—

“paragraph 15(3)(d) or 16(6)(d) of Schedule 1 to the Academies Act 2010,”.

(3) In sub-paragraph (7)—

(a) after “maintained schools” insert “ or Academies ”;

(b) for “A14 to A16” substitute “ A13A to A16 ”.

**Commencement Information**

**I8** Sch. 14 para. 9 in force at 1.2.2012 by S.I. 2012/84, art. 3 (with art. 5)

10 After paragraph A13, insert—

“A13A) This paragraph applies to a disposal of land to which sub-paragraph (1), (2) or (3) of paragraph A13 applies.

(2) But this paragraph only applies to a disposal if, or to the extent that, it comprises a disposal of non-playing field land which does not fall within sub-paragraph (5).

(3) “Non-playing field land” means land which does not include playing fields within the meaning of section 77.

(4) Accordingly, in this paragraph, paragraphs A14 to A17 and paragraph A19—

(a) references to the disposal are to the disposal by the trustees of the non-playing field land, and

(b) references to the land are to that non-playing field land.

(5) A disposal of non-playing field land falls within this sub-paragraph if it is a disposal of—

(a) land acquired under section 60 or 61 of the Education Act 1996, or

(b) land acquired under paragraph 2 or 4 of Schedule 3 to this Act,

by the trustees of an institution which is, or has at any time been, within the further education sector (as defined by section 4(3) of the Education Act 1996).

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- (6) The trustees must give the Secretary of State notice of their intention to dispose of the land.
- (7) On receipt of the notice, the Secretary of State must—
- (a) decide whether to make a direction under paragraph 12 of Schedule 1 to the Academies Act 2010 (transfer to Academy) in respect of the land, and
  - (b) notify the trustees of that decision.
- (8) The trustees may not dispose of the land until they have been notified of the Secretary of State's decision.
- (9) If the Secretary of State decides to make a direction in respect of the land, the trustees may not dispose of the land except in accordance with the direction.”

**Commencement Information**

**I9** Sch. 14 para. 10 in force at 1.2.2012 by S.I. 2012/84, art. 3 (with art. 5)

- 11 In paragraph A14, for sub-paragraphs (1) to (5), substitute—

“(1) This paragraph applies where trustees receive a notification under paragraph A13A(7)(b) that the Secretary of State has decided not to make a direction in respect of the land.”

**Commencement Information**

**I10** Sch. 14 para. 11 in force at 1.2.2012 by S.I. 2012/84, art. 3 (with art. 5)

- 12 In paragraph A19, before sub-paragraph (1), insert—

“(A1) In determining whether, and how, to give notice to the Secretary of State under paragraph A1A, A7A or A13A, a governing body, a foundation body or trustees must have regard to any guidance given from time to time by the Secretary of State.”

**Commencement Information**

**I11** Sch. 14 para. 12 in force at 1.2.2012 by S.I. 2012/84, art. 3 (with art. 5)

- 13 (1) Paragraph A23 (land required by local authority for certain purposes) is amended as follows.

- (2) For sub-paragraph (4), substitute—

“(4) Before making an application under sub-paragraph (1) for a transfer order in relation to publicly funded land, the authority must give notice of their intention to make the application to—

- (a) the body or trustees holding the land, and
- (b) the Secretary of State.”

- (3) In sub-paragraph (6), for “such an application” substitute “an application under sub-paragraph (1) or a notice under sub-paragraph (4)”.

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(4) After sub-paragraph (6), insert—

“(6A) On receipt of a notice under sub-paragraph (4)(b), the Secretary of State must—

- (a) decide whether to make a direction under paragraph 12 of Schedule 1 to the Academies Act 2010 (transfer to Academy) in respect of the land, and
- (b) notify the local authority of that decision.

(6B) If the Secretary of State decides to make a direction under paragraph 12 of Schedule 1 to the Academies Act 2010 in respect of the land, the local authority may not make an application under sub-paragraph (1) for a transfer order in relation to the land.”

#### Commencement Information

**I12** Sch. 14 para. 13 in force at 1.2.2012 by S.I. 2012/84, art. 3 (with art. 5)

14 (1) Paragraph 5 (discontinuance of foundation, voluntary and foundation special schools: land) is amended as follows.

(2) After sub-paragraph (1), insert—

“(1A) But this paragraph does not apply where proposals mentioned in sub-paragraph (1)(a) have been approved, adopted, confirmed or determined to be implemented in consequence of an Academy order made in respect of the school.”

(3) In sub-paragraph (4), after paragraph (a) insert—

“(aa) in the case of a school in England, make a direction in respect of the land under paragraph 11 of Schedule 1 to the Academies Act 2010 (transfer to Academy);”.

(4) In sub-paragraph (4B), after paragraph (a) insert—

“(aa) in the case of a school in England, make a direction in respect of the land under paragraph 11 of Schedule 1 to the Academies Act 2010 (transfer to Academy);”.

(5) In sub-paragraph (5A), in paragraph (b), after “maintained schools” insert “ or Academies ”.

#### Commencement Information

**I13** Sch. 14 para. 14 in force at 1.2.2012 by S.I. 2012/84, art. 3 (with art. 5)

15 (1) Paragraph 7 (disposal of property held by governing body of maintained school on their dissolution) is amended as follows.

(2) In sub-paragraph (1), at the end insert “ other than a dissolution by virtue of paragraph 5(2)(a)(iv) of that Schedule (dissolution following Academy order) ”.

(3) In sub-paragraph (2)(ii), for the words from “following” to “new school” substitute “ persons or bodies mentioned in sub-paragraph (2A) ”.

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(4) After sub-paragraph (2), insert—

“(2A) The persons and bodies are—

- (a) the governing body of a maintained school;
- (b) the temporary governing body of a new school;
- (c) in the case of the dissolution of a governing body of a maintained school in England, a person concerned with the running of an Academy.”

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**Commencement Information**

**I14** Sch. 14 para. 15 in force at 1.2.2012 by S.I. 2012/84, art. 3 (with art. 5)

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