

Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, Cross Heading: Amendments to Schedule 22 to SSFA 1998. (See end of Document for details)

SCHEDULES

SCHEDULE 14

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.

Annotations:

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,”.

Annotations:

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—

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- (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.
- (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.”

Annotations:

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.”

Annotations:

Commencement Information

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

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Annotations:

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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.”

Annotations:

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—

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“(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.”

Annotations:

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 ”.

Annotations:

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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—

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- (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).
- (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.”

Annotations:

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.”

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I10 [Sch. 14 para. 11](#)
in force at 1.2.2012 by
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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.”

Annotations:

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III 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) ”.

(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.”

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Annotations:

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I12 [Sch. 14 para. 13](#)
in force at 1.2.2012 by
[S.I. 2012/84](#)
,
[art. 3](#)
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[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 ”.

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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) ”.

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

Annotations:**Commencement Information**

I14 [Sch. 14 para. 15](#)
in force at 1.2.2012 by
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,
[art. 3](#)
(with
[art. 5](#)
)

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