
STATUTORY INSTRUMENTS

2007 No. 3475

The School Organisation (Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts) (England) Regulations 2007

Part 1

Removal of Foundation and Reduction in Number of Foundation Governors

Transfer of land

17.—(1) Subject to paragraph (2) any publicly provided land which, immediately before the implementation date, was held by the trustees for the purposes of the school transfers on that date to, and by virtue of this regulation vests in, the governing body.

(2) But, where, in connection with the acquisition of the publicly provided land or the provision of buildings on that land, the trustees had paid any sum representing proceeds of sale of other premises, that land does not transfer under paragraph (1), but transfers to and vests in the governing body in accordance with a transfer agreement under paragraph (3).

(3) Any other land which, immediately before the implementation date, was held by the trustees for the purposes of the school transfers to and vests in the governing body in accordance with a transfer agreement.

(4) Where any land is transferred to and vests in the governing body in accordance with this regulation, any rights or liabilities—

- (a) enjoyed or incurred by the trustees in connection with the land, and
- (b) subsisting immediately before the implementation date,

also transfer to, and by virtue of this regulation, vest in, the governing body.

(5) This regulation is subject to Schedule 3 (which makes further provision in relation to transfers of property, rights and liabilities).

(6) In this regulation—

- (a) “publicly provided land” means any land of the kind referred to in sub-paragraph (1) or (2) of paragraph A26 of Schedule 22 to SSFA 1998(1), and
- (b) “transfer agreement” means an agreement made for the purposes of paragraph (3) between the governing body and the trustees, and providing for the land in question to be transferred to, and vest in, the governing body on the implementation date, whether or not in consideration of any payment by the governing body.