

SCHEDULE 3

PUBLICATION, DETERMINATION AND IMPLEMENTATION OF PROPOSALS OTHER THAN FOUNDATION PROPOSALS

Provision of site and buildings for foundation, foundation special or voluntary controlled schools

17.—(1) Where a local authority are required by virtue of the provisions contained in the proposals to provide a site for a foundation, foundation special or voluntary controlled school, the local authority must—

- (a) transfer their interest in the site and in any buildings on the site which are to form part of the school's premises to the trustees of the school, to be held by them on trust for the purposes of the school; or
- (b) if the school has no trustees, to the governing body, to be held by that body for the purposes of the school.

(2) If any doubt or dispute arises as to the persons to whom the local authority are required to make the transfer, it must be made to such persons as the adjudicator thinks appropriate.

(3) The local authority must pay to the persons to whom the transfer is made their reasonable costs in connection with the transfer.

(4) Where—

- (a) a transfer is made under this paragraph; and
- (b) the transfer is made to persons who possess, or are or may become entitled to, any sum representing proceeds of the sale of other premises which have been used for the purposes of the school,

those persons must notify the local authority that Paragraph (b) applies to them, and they or their successors must pay to the local authority so much of that sum as, having regard to the value of the interest transferred, may be determined to be just, either by agreement between them and the local authority or, in default of agreement, by the adjudicator.

(5) In sub-paragraph (4)(b) the reference to proceeds of the sale of other premises includes a reference to—

- (a) consideration for the creation or disposition of any kind of interest in other premises, including rent; and
- (b) interest which has accrued in respect of any such consideration,

and for the purposes of any agreed determination under sub-paragraph (4) regard must be had to any guidance given from time to time by the Secretary of State.

(6) Any sum paid under sub-paragraph (4) is to be treated for the purposes of section 14 of the School Sites Act 1841⁽¹⁾ (which relates to the sale, or exchange of land held on trust for the purposes of the school) as a sum applied in the purchase of a site for the school.

(7) A determination may be made under sub-paragraph (4) in respect of any property subject to a trust which has arisen under section 1 of the Reverter of Sites Act 1987⁽²⁾ (right of reverter replaced by trust for sale) only if—

- (a) the determination is made by the adjudicator; and
- (b) the adjudicator is satisfied that steps have been taken to protect the interests of the beneficiaries under the trust.

(1) 1841 c.38.

(2) 1987 c.15.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(8) Sub-paragraph (4) is to apply for the purposes of compensating the local authority notified under that sub-paragraph only in relation to such part of the sum mentioned in sub-paragraph (4) (b) (if any) as remains after the application of paragraphs A1 to A16⁽³⁾ or paragraphs 1 to 3 of Schedule 22 to SSFA 1998 to that sum.

⁽³⁾ Part A1 to Schedule 22 to the School Standards and Framework Act 1998 was inserted by Schedule 4 to the Education and Inspections Act 2006.