

SCHEDULE 4

Transfer of land

Part II

Rules relating to transfers

3.—(1) Sub-paragraph (2) applies where—

- (a) any proposals that a community school should become a foundation school have been approved under paragraph 8 of modified Schedule 6 to the Act; and
- (b) as from the implementation date the school (as a foundation school) will not be a member of a group for which a foundation body acts.

(2) Where this sub-paragraph applies, any land which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school shall on that date be transferred to, and by virtue of this paragraph vest in,—

- (a) 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, the governing body.

(3) Sub-paragraph (4) applies where—

- (a) any proposals that a community school should become a foundation school have been approved under paragraph 8 of modified Schedule 6 to the Act; and
- (b) as from the implementation date the school (as a foundation school) will be a member of a group for which a foundation body acts.

(4) Where this sub-paragraph applies, any land, other than land held on trust, which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school shall on that date be transferred to, and by virtue of this paragraph vest in, the foundation body.

4.—(1) Sub-paragraph (2) applies where—

- (a) any proposals that a community school should become a voluntary aided school have been approved under paragraph 8 of modified Schedule 6 to the Act; and
- (b) as from the implementation date the school (as a voluntary aided school) will not be a member of a group for which a foundation body acts.

(2) Where this sub-paragraph applies, any land other than playing fields which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school shall on that date be transferred to, and by virtue of this paragraph vest in, the trustees of the school, to be held by them on trust for the purposes of the school.

(3) Sub-paragraph (4) applies where—

- (a) any proposals that a community school should become a voluntary aided school have been approved under paragraph 8 of modified Schedule 6 to the Act; and
- (b) as from the implementation date the school (as a voluntary aided school) will be a member of a group for which a foundation body acts.

(4) Where this sub-paragraph applies, any land other than playing fields or land held on trust which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school shall on that date be transferred to, and by virtue of this paragraph vest in, the foundation body.

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5.—(1) Sub-paragraph (2) applies where—

- (a) any proposals that a community school should become a voluntary controlled school have been approved under paragraph 8 of modified Schedule 6 to the Act; and
- (b) as from the implementation date the school (as a voluntary controlled school) will not be a member of a group for which a foundation body acts.

(2) Where this sub-paragraph applies, any land other than playing fields which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school shall on that date be transferred to, and by virtue of this paragraph vest in, the trustees of the school, to be held by them on trust for the purposes of the school.

(3) Sub-paragraph (4) applies where—

- (a) any proposals that a community school should become a voluntary controlled school have been approved under paragraph 8 of modified Schedule 6 to the Act; and
- (b) as from the implementation date the school (as a voluntary controlled school) will be a member of the group for which a foundation body acts.

(4) Where this sub-paragraph applies, any land other than playing fields or land held on trust which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school shall on that date be transferred to, and by virtue of this paragraph vest in, the foundation body.

6.—(1) Sub-paragraph (2) applies where any proposals that a foundation school which is not part of a group for which a foundation body acts should become a community school have been approved under paragraph 8 of modified Schedule 6 to the Act.

(2) Where this sub-paragraph applies—

- (a) any publicly funded land which, immediately before the implementation date, was held by the trustees of the school or the governing body for the purposes of the foundation school shall on that date be transferred to, and by virtue of this paragraph vest in, the local education authority; and
- (b) any other land which, immediately before that date, was held by the trustees of the school or the governing body for the purposes of the foundation school shall be transferred to and vest in the local education authority in accordance with a transfer agreement.

(3) Sub-paragraph (4) applies where any proposals that a foundation school which is part of a group for which a foundation body acts should become a community school have been approved under paragraph 8 of modified Schedule 6 to the Act.

(4) Where this sub-paragraph applies—

- (a) any publicly funded land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the foundation school shall on that date be transferred to, and by virtue of this paragraph vest in, the local education authority; and
- (b) any other land which, immediately before that date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the foundation school shall be transferred to and vest in the local education authority in accordance with a transfer agreement.

7.—(1) Sub-paragraph (2) applies where—

- (a) any proposals that a foundation school which is not a member of a group for which a foundation body acts should become a voluntary aided or voluntary controlled school have been approved under paragraph 8 of modified Schedule 6 to the Act; and

(b) as from the implementation date the school (as a voluntary aided or controlled school) will not be a member of such a group.

(2) Where this sub-paragraph applies any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body for the purposes of the foundation school shall on that date be transferred to, and by virtue of this paragraph vest in, the trustees of the school, to be held by them on trust for the purposes of the school.

8.—(1) Sub-paragraph (2) applies where—

(a) any proposals that a foundation school which is not a member of a group for which a foundation body acts should become a voluntary aided or voluntary controlled school have been approved under paragraph 8 of modified Schedule 6 to the Act; and

(b) as from the implementation date the school (as a voluntary aided or controlled school) will be a member of such a group.

(2) Where this sub-paragraph applies, any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body for the purposes of the foundation school shall on that date be transferred to, and by virtue of this paragraph vest in, the foundation body.

(3) Sub-paragraph (4) applies where—

(a) any proposals that a foundation school which is a member of a group for which a foundation body acts should become a voluntary aided or voluntary controlled school have been approved under paragraph 8 of modified Schedule 6 to the Act; and

(b) as from the implementation date the school (as a voluntary aided or voluntary controlled school) will not be a member of such a group.

(4) Where this sub-paragraph applies, any land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the foundation school shall on that date be transferred to, and by virtue of this paragraph vest in, the trustees of the school, to be held by them on trust for the purposes of the school.

9.—(1) Sub-paragraph (2) applies where any proposals that a voluntary aided school which is not part of a group for which a foundation body acts should become a community school have been approved under paragraph 8 of modified Schedule 6 to the Act.

(2) Where this sub-paragraph applies—

(a) any publicly funded land which, immediately before the implementation date, was held by the trustees of the school or the governing body for the purposes of the voluntary aided school shall on that date be transferred to, and by virtue of this paragraph vest in, the local education authority; and

(b) any other land which, immediately before that date, was held by the trustees of the school or the governing body for the purposes of the voluntary aided school shall be transferred to and vest in the local education authority in accordance with a transfer agreement.

(3) Sub-paragraph (4) applies where any proposals that a voluntary aided school which is a member of a group for which a foundation body acts should become a community school have been approved under paragraph 8 of modified Schedule 6 to the Act.

(4) Where this sub-paragraph applies—

(a) any publicly funded land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary aided school shall on that date be transferred to, and by virtue of this paragraph vest in, the local education authority; and

(b) any other land which, immediately before that date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary aided

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school shall be transferred to and vest in the local education authority in accordance with a transfer agreement.

10.—(1) Sub-paragraph (2) applies where—

- (a) any proposals that a voluntary aided school should become a foundation school have been approved under paragraph 8 of modified Schedule 6 to the Act;
- (b) the school (as a voluntary aided school) is not a member of a group for which a foundation body acts; and
- (c) the school (as a foundation school) will not be a member of such a group.

(2) Where this sub-paragraph applies, any land which, immediately before the implementation date, was held by the local education authority for the purposes of the voluntary aided school shall on that date be transferred to, and by virtue of this paragraph vest in, the governing body.

(3) Sub-paragraph (4) applies where—

- (a) any proposals that a voluntary aided school which is not a member of a group for which a foundation body acts should become a foundation school have been approved under paragraph 8 of modified Schedule 6 to the Act; and
- (b) as from the implementation date the school (as a foundation school) will be a member of such a group.

(4) Where this sub-paragraph applies, any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body or the local education authority for the purposes of the voluntary aided school shall on that date be transferred to, and by virtue of this paragraph vest in, the foundation body.

(5) Sub-paragraph (6) applies where—

- (a) any proposals that a voluntary aided school which is a member of a group for which a foundation body acts should become a foundation school have been approved under paragraph 8 of modified Schedule 6 to the Act; and
- (b) as from the implementation date the school (as a foundation school) will not be a member of such a group.

(6) In such a case any land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary aided school or was held or used by the local education authority for the purposes of that school shall on that date be transferred to, and by virtue of this paragraph vest in,—

- (a) 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, the governing body.

11.—(1) Sub-paragraph (2) applies where—

- (a) any proposals that a voluntary aided school or a voluntary controlled school which is not a member of a group for which a foundation body acts should become (as the case may be) a voluntary controlled or a voluntary aided school have been approved under paragraph 8 of modified Schedule 6 to the Act; and
- (b) as from the implementation date the school will be a member of such a group.

(2) Where this sub-paragraph applies any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body for the purposes of the school shall on that date be transferred to, and by virtue of this paragraph vest in, the foundation body.

(3) Sub-paragraph (4) applies where—

- (a) any proposals that a voluntary aided or a voluntary controlled school which is a member of a group for which a foundation body acts should become (as the case may be) a voluntary controlled school or a voluntary aided school have been approved under paragraph 8 of modified Schedule 6 to the Act; and
- (b) as from the implementation date the school will not be a member of such a group.

(4) Where this sub-paragraph applies any land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the school shall on that date be transferred to, and by virtue of this paragraph vest in, the trustees of the school to be held by them on trust for the purposes of the school.

12.—(1) Sub-paragraph (2) applies where any proposals that a voluntary controlled school which is not part of a group for which a foundation body acts should become a community school have been approved under paragraph 8 of modified Schedule 6 to the Act.

(2) Where this sub-paragraph applies—

- (a) any publicly funded land which, immediately before the implementation date, was held by the trustees of the school or the governing body for the purposes of the voluntary controlled school shall on that date be transferred to, and by virtue of this paragraph vest in, the local education authority; and
- (b) any other land which, immediately before that date, was held by the trustees of the school or the governing body for the purposes of the voluntary controlled school shall be transferred to and vest in the local education authority in accordance with a transfer agreement.

(3) Sub-paragraph (3) applies where any proposals that a voluntary controlled school which is part of a group for which a foundation body acts should become a community school have been approved under paragraph 8 of modified Schedule 6 to the Act.

(4) Where this sub-paragraph applies—

- (a) any publicly funded land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary controlled school shall on that date be transferred to, and by virtue of this paragraph vest in, the local education authority; and
- (b) any other land which, immediately before that date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary controlled school shall be transferred to and vest in the local education authority in accordance with a transfer agreement.

13.—(1) Sub-paragraph (2) applies where—

- (a) any proposals that a voluntary controlled school should become a foundation school have been approved under paragraph 8 of modified Schedule 6 to the Act;
- (b) the school (as a voluntary controlled school) is not a member of a group for which a foundation body acts; and
- (c) the school (as a foundation school) will not be a member of such a group.

(2) Where this sub-paragraph applies, any land which, immediately before the implementation date, was held by the local education authority for the purposes of the voluntary controlled school shall on that date be transferred to, and by virtue of this paragraph vest in, the governing body.

(3) Sub-paragraph (4) applies where—

- (a) any proposals that a voluntary controlled school which is not a member of a group for which a foundation body acts should become a foundation school have been approved under paragraph 8 of modified Schedule 6 to the Act; and

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(b) as from the implementation date the school (as a foundation school) will be a member of such a group.

(4) Where this sub-paragraph applies, any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body or the local education authority for the purposes of the voluntary controlled school shall on that date be transferred to, and by virtue of this paragraph vest in, the foundation body.

(5) Sub-paragraph (6) applies where—

- (a) any proposals that a voluntary controlled school which is a member of a group for which a foundation body acts should become a foundation school have been approved under paragraph 8 of modified Schedule 6 to the Act; and
- (b) as from the implementation date the school (as a foundation school) will not be a member of such a group.

(6) Where this sub-paragraph applies, any land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary controlled school or was held or used by the local authority for the purposes of that school shall on that date be transferred to, and by virtue of this paragraph vest in,—

- (a) 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, the governing body.

14.—(1) Sub-paragraph (2) applies where any proposals that a community special school should become a foundation special school have been approved under paragraph 8 of modified Schedule 6 to the Act.

(2) Where this sub-paragraph applies, any land which, immediately before the implementation date, was held or used by a local authority for the purposes of the community special school shall on that date be transferred to, and by virtue of this paragraph vest in—

- (a) 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, the governing body.

15.—(1) Sub-paragraph (2) applies where any proposals that a foundation special school should become a community special school have been approved under paragraph 8 of modified Schedule 6 to the Act.

(2) Where this sub-paragraph applies—

- (a) any publicly funded land which, immediately before the implementation date, was held by the trustees of the school or the governing body for the purposes of the foundation special school shall on that date be transferred to, and by virtue of this paragraph vest in, the local education authority; and
- (b) any other land which, immediately before that date, was held by the trustees of the school or the governing body for the purposes of the foundation special school shall be transferred to and vest in the local education authority in accordance with a transfer agreement.

16.—(1) Sub-paragraph (2) applies where—

- (a) any proposals that a foundation, voluntary aided or voluntary controlled school which is a member of a group for which a foundation body acts should become (as the case may be) a foundation, voluntary aided or voluntary controlled school have been approved under paragraph 8 of modified Schedule 6 to the Act; and
- (b) as from the implementation date the school will be a member of a group for which a foundation body acts.

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(2) Where this sub-paragraph applies, any land which, immediately before the implementation date, was held by the foundation body mentioned in sub-paragraph (1)(a) above for the purposes of the schools in the group and used for the purposes of the school shall on that date be transferred to, and by virtue of this paragraph vest in, the foundation body mentioned in sub-paragraph (1)(b) above.