Document Generated: 2024-06-28

Changes to legislation: Education Reform Act 1988, Paragraph 1 is up to date with all changes known to be in force on or before 28 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 10

SUPPLEMENTARY PROVISIONS WITH RESPECT TO TRANSFERS

Modifications etc. (not altering text)

C1 Sch. 10: functions conferred by The Education (Inner London Education Authority) (Transfer of Functions) Order 1991 (S.I.1991/1457), arts. 2(b), 3

Sch. 10 applied (with modifications) (1.4.1999 in relation to s. 74 of the amending Act and 1.9.1999 in relation to Sch. 21 of the amending Act) by School Standards and Framework Act 1998 (c. 31), s. 74, Sch. 21 Pt. I para. 2(3) (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1, s. 74; S.I. 1999/2323, art. 2(1), Sch.

Power to amend conferred (1.2.1999) by School Standards and Framework Act 1998 (c. 31), s. 137(4) (a) (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), Sch. 1 (with art. 4).

Sch. 10 applied (with modifications) (1.1.2001) by The Education (New Procedures for Property Transfers) Regulations 2000 (S.I. 2000/3209), regs. 5, 6, 7, **Sch. 1**

Sch. 10 modified (E.) (1.1.2001) by The Education (New Procedures for Property Transfers) Regulations 2000 (S.I. 2000/3209), **regs. 15**, 17, (with regs. 18, 19)

Sch. 10 modified (W.) (1.9.2001) by The Change of Category of Maintained Schools (Wales) Regulations 2001 (S.I. 2001/2678), reg. 16, Sch. 4 para. 2

- C1 Sch. 10 applied (E.) (25.5.2007) by The School Governance (Federations) (England) Regulations 2007 (S.I. 2007/960), regs. 1(1), 41(2), 46(2)
- C1 Sch. 10 applied (W.) (12.4.2010) by The Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010 (S.I. 2010/638), regs. 1(1), **80(2)**, 86(2)
- C1 Sch. 10 applied (1.9.2012) by The School Governance (Federations) (England) Regulations 2012 (S.I. 2012/1035), regs. 1, **13(2)**, 33(2), 39(2) (with reg. 2)
- C1 Sch. 10 modified (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 4 para. 9; S.I. 2013/1800, art. 3(h)
- C1 Sch. 10 applied (22.5.2014) by The Federation of Maintained Schools (Wales) Regulations 2014 (S.I. 2014/1132), regs. 1(1), **84(2)**, 91(2)

f^{F1} Division and apportionment of property etc.]

Textual Amendments

- F1 Crossheading and Sch. 10 para. 1 substituted (1.2.1999) by 1998 c. 31, s. 137 Sch. 29 para.3 (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), Sch. 1 (with art. 4)
- F1[1 (1) Any property, rights and liabilities of a transferor authority held or used or subsisting—
 - (a) for the purposes of more than one relevant institution; or
 - (b) partly for the purposes of one or more relevant institutions and partly for other purposes of the transferor authority;

Changes to legislation: Education Reform Act 1988, Paragraph 1 is up to date with all changes known to be in force on or before 28 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- shall, where the nature of the property, right or liability permits, be divided or apportioned between the transferees, or (as the case may be) between the transferor authority and the transferee or transferees, in such proportions as may be appropriate.
- (2) Any property, rights or liabilities of a transferor body shall, where the nature of the property, right or liability permits, be divided or apportioned between the transferees, or (as the case may be) between the transferor body and the transferee or transferees, in such proportions as may be appropriate.
- (3) Where any estate or interest in land falls to be divided in accordance with either sub-paragraph (1) or sub-paragraph (2) above—
 - (a) any rent payable under a lease in respect of that estate or interest; and
 - (b) any rent charged on that estate or interest;
 - shall be correspondingly divided or apportioned so that each part is payable in respect of, or charged on, only one part of the estate or interest and the other part or parts are payable in respect of, or charged on, only the other part or parts of the estate or interest.
- (4) Any such property, right or liability as is mentioned in sub-paragraph (1) or (2) above the nature of which does not permit its division or apportionment as so mentioned shall be transferred to the transferee (or to one or other of the transferees) or retained by the transferor authority or body according to—
 - (a) in the case of an estate or interest in land, whether on the transfer date the transferor authority or body or the transferee (or one or other of the transferees) appears to be in greater need of the security afforded by that estate or interest or, where none of them appears to be in greater need of that security, which of them appears on that date to be likely to make use of the land to the greater extent; or
 - (b) in the case of any other property or any right or liability, which of them appears on the transfer date to be likely to make use of the property or (as the case may be) to be affected by the right or liability to the greater extent;

subject (in either case) to such arrangements for the protection of the other person or persons concerned as may be agreed between the transferor authority or body and the relevant person or determined by the Secretary of State under paragraph 3 below.

- (5) In this paragraph—
 - (a) "relevant institution" means—
 - (i) any institution which a body corporate is established under this Act to conduct;
 - (ii) any institution to which section 130 of this Act applies; and
 - (iii) any maintained school;
 - (b) "the relevant person" means—
 - (i) in a case where the transferor is a transferor authority, the Education Transfer Council;
 - (ii) in a case where the transferor is a transferor body, the transferee;
 - (c) references to a transferor authority are references to a local authority who are the transferor for the purposes of any transfer to which this Schedule applies;
 - (d) references to a transferor body are references to any foundation body who are the transferor for the purposes of any transfer to which this Schedule applies;

F2 ...

Document Generated: 2024-06-28

Changes to legislation: Education Reform Act 1988, Paragraph 1 is up to date with all changes known to be in force on or before 28 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[F3(6) For the purposes of sub-paragraph (5)—

- references to a maintained school or a foundation body have the same meanings as in the School Standards and Framework Act 1998;
- "local authority" includes a non-metropolitan district council for an area for (b) which there is a county council.]

Textual Amendments

- Sch. 10 para. 1 substituted (1.2.1999) by 1998 c. 31, s. 137, Sch. 29 para.3; S.I. 1999/120, art. 2(1),
- F2 Words in Sch. 10 para. 1(5) repealed (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, Sch. 2 para. 4(9)(a), Sch. 3 Pt. 1
- F3 Sch. 10 para. 1(6) inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, Sch. 2 para. 4(9)(b)

Modifications etc. (not altering text)

Sch. 10 paras. 1-3 applied (with modifications) (1.1.2001) by S.I. 2000/3209, reg. 5(2), Sch. 1

Changes to legislation:

Education Reform Act 1988, Paragraph 1 is up to date with all changes known to be in force on or before 28 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 120(4A) inserted by 2022 asc 1 Sch. 4 para. 5(2)
- s. 124A(9A)(9B) inserted by 2022 asc 1 s. 137(3)
- s. 125(8)(9) inserted by 2022 asc 1 s. 138(2)
- s. 128(1)(b)(iib) omitted by 2011 c. 21 Sch. 16 para. 8
- s. 128(1)(b)(iia) omitted by 2015 c. 20 Sch. 14 para. 35
- s. 128(1A)-(1C) inserted by 2022 asc 1 s. 139(3)
- s. 128(7)-(10) inserted by 2022 asc 1 s. 139(6)
- s. 232(4ZA)-(4ZC) inserted by 2022 asc 1 s. 138(3)(b)