



Education Reform Act 1988

1988 CHAPTER 40

PART I

SCHOOLS

CHAPTER IV

GRANT-MAINTAINED SCHOOLS

Transfer of property and staff, etc.

77 Wrongful disposals and contracts

- (1) This section applies where in the case of a school to which section 76 of this Act applies—
 - (a) proposals for acquisition of grant-maintained status are approved by the Secretary of State; and
 - (b) the local education authority have made any disposal, or have entered into any contract, in contravention of subsection (6) of that section (referred to below in this section as a wrongful disposal or, as the case may be, a wrongful contract).
- (2) In the case of any wrongful disposal, the governing body of the school shall be entitled to recover from the local education authority concerned the value of the property disposed of.
- (3) In the case of a wrongful contract which consists in granting an option to acquire any land or interest in land, the governing body of the school may by notice in writing served on the option holder repudiate the option at any time before it is exercised.
- (4) In the case of any other wrongful contract, the governing body of the school may by notice in writing served on the other party to the contract repudiate the contract—

Status: This is the original version (as it was originally enacted).

- (a) in the case of a contract to dispose of any land or to grant or dispose of any interest in land, at any time before the conveyance or grant of the land or any interest in land to which it relates is completed or executed;
 - (b) in any other case, at any time before the contract is performed.
- (5) A repudiation under subsection (3) or (4) above shall have effect as if made by the local education authority concerned.
- (6) Without prejudice to any provision made under paragraph 2(d) of Schedule 5 to this Act, the powers conferred by this section may only be exercised on or after the incorporation date in relation to the school.