



# Education Act 1993

## 1993 CHAPTER 35

### PART II

#### GRANT-MAINTAINED SCHOOLS

### CHAPTER X

#### GENERAL AND MISCELLANEOUS

#### *Transfer and disposal of premises*

#### **130 Transfer of premises to trustees**

- (1) Where grant under section 53(2) of this Act or capital grant is paid to the governing body of a grant-maintained school established in pursuance of proposals published under section 49 of this Act in respect of the provision of a site for the school or of school buildings, a requirement shall be imposed under section 53 or, as the case may be, Chapter VI for the purpose of securing that the site or buildings in question are held on trust by trustees of the school.
- (2) Where buildings are to be provided for any grant-maintained school which are to—
  - (a) form part of the school premises, and
  - (b) be constructed partly on land held by the governing body and partly on land held on trust for the purposes of the school by persons other than the governing body,the governing body shall transfer to those persons the land held by the governing body on which the buildings are to be constructed; and section 68(7)(b) of this Act does not apply to a transfer required by this subsection.
- (3) In this section “site” does not include playing fields.

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*Status: This is the original version (as it was originally enacted).*

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### **131 Disposal of premises on transfer of school to new site**

- (1) Where—
- (a) the funding authority pay capital grant in respect of a transfer of a grant-maintained school to a new site authorised under Chapter VII, and
  - (b) the governing body or any trustees of the school possess, or are or may become entitled to, a sum representing the proceeds of disposal of other premises which have been used for the purposes of the school,
- the governing body or (as the case may be) the trustees or their successors shall pay to the Secretary of State the whole of that sum, if it is equal to or less than the amount of the capital grant, and otherwise so much of it as is required to repay that amount.
- (2) Any sum paid under subsection (1) above shall, in a case where any interest in the new site has vested in any trustees of the school, be treated for the purposes of section 14 of the Schools Sites Act 1841 (which relates to the sale or exchange of land held on trust for the purposes of a school) as a sum applied in the purchase of a site for the school.
- (3) Where trustees of a grant-maintained school are required to pay any sum to the Secretary of State under subsection (1) above in a case where any interest in the new site is or is to be held by the governing body, then—
- (a) if the interest or, as the case may be, all the interests held by any persons for the purposes of the school in the previous site were freehold interests held by the trustees, the governing body shall transfer their interest in the new site to the trustees, and
  - (b) if in any other case the trustees held any interest in the previous site, the governing body shall if directed to do so by the Secretary of State transfer to the trustees their interest in the whole of the new site or such part of it as may be specified in the direction.
- (4) Where trustees of a grant-maintained school are required to pay any sum to the Secretary of State under subsection (1) above in a case in which they may also be required to pay any sum to a local education authority under paragraph 8 of the First Schedule to the Education Act 1946 in respect of the disposal of the same premises, that paragraph shall have effect as if—
- (a) in relation to that disposal, the reference to the purchase money paid in respect of the acquisition of the premises were a reference to so much of the amount of that purchase money as remains after deducting the amount of the payment under subsection (1) above, and
  - (b) any premises transferred to the trustees in pursuance of subsection (3) above were premises conveyed by the authority as mentioned in that paragraph.
- (5) In subsection (3)(a) above “site” does not include playing fields.

### **132 Disposal of premises transferred under section 38**

- (1) This section applies where the governing body of a grant-maintained school apply to the Secretary of State for his consent to the disposal of—
- (a) any premises transferred to the governing body under section 38(1)(a) of this Act, or
  - (b) any premises acquired wholly or partly with the proceeds of the disposal of any premises so transferred or of any premises so acquired.
- (2) Subject to subsection (3) below, the Secretary of State may—

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- (a) require the premises or any part of the premises to be transferred to such local authority as the Secretary of State may specify, subject to the payment by that authority of such sum by way of consideration (if any) as he determines to be appropriate, or
  - (b) where he does not impose a requirement under paragraph (a) above, require the governing body when the premises are disposed of to pay to such local authority as the Secretary of State may specify the whole or any part of the proceeds of disposal.
- (3) Where the occasion of the disposal is a transfer of the school to a new site in respect of which the funding authority have paid capital grant—
- (a) no requirement shall be imposed under subsection (2)(a) above, and
  - (b) the reference in subsection (2)(b) above to the proceeds of disposal shall be read as a reference to such part (if any) of those proceeds as remains after repayment of the amount of that capital grant in accordance with section 131 of this Act.

### **133 Disposal of premises held by trustees**

- (1) This section applies where any premises—
- (a) transferred to the governing body of a grant-maintained school under section 38(1)(a) of this Act, or
  - (b) acquired by such a governing body wholly or partly with the proceeds of the disposal of any premises so transferred or of any premises so acquired,
- have been transferred by them to be held on trust by the trustees of the school.
- (2) If at any time the trustees dispose of the premises the Secretary of State may require them to pay to such local authority as he may specify the whole or any part of the proceeds of the disposal.

### **134 Disposal of premises provided, etc. by the funding authority**

- (1) Where the governing body of a grant-maintained school apply to the Secretary of State for his consent to the disposal of—
- (a) any premises provided by the funding authority, or
  - (b) any premises acquired wholly or partly with the proceeds of the disposal of any premises so provided or of any premises so acquired,
- the Secretary of State may require the governing body when the premises are disposed of to pay to him or to the funding authority the whole or any part of the proceeds of disposal.
- (2) Where—
- (a) any premises falling within subsection (1)(a) or (b) above are transferred by the governing body to be held on trust by the trustees of the school, or
  - (b) any premises in respect of which capital grant was paid are transferred by the governing body (otherwise than in pursuance of a requirement imposed in accordance with section 130 of this Act or in pursuance of section 131(3) of this Act) to be held on trust by the trustees of the school,
- then, if at any time the trustees dispose of the premises, the Secretary of State may require them to pay to him or to the funding authority the whole or any part of the proceeds of the disposal.

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### **135 Interpretation of sections 130 to 134**

- (1) For the purposes of sections 131 and 132 of this Act, the funding authority are to be regarded as paying capital grant in respect of the transfer of a school to a new site if they pay capital grant in respect of the acquisition of the new site or the provision on that site of the school buildings or of any other buildings forming part of the new school premises.
- (2) In sections 130 to 134 of this Act “trustees of the school” means any person (other than the governing body) holding property on trust for the purposes of the school.
- (3) For the purposes of sections 131 to 134 of this Act—
  - (a) a governing body or trustees are to be regarded as disposing of any premises if those premises are acquired from them, whether compulsorily or otherwise, and
  - (b) “proceeds of disposal”, in relation to a disposal of premises by a governing body or trustees, means the compensation or purchase money paid in respect of the acquisition from them of those premises.
- (4) In subsection (3) above—
  - (a) references to the acquisition of premises from a governing body or trustees include, in the case of any premises held under a tenancy to which Part II of the Landlord and Tenant Act 1954 (“the 1954 Act”) applies, the termination of that tenancy under that Part of that Act, and
  - (b) the reference to the purchase money paid in respect of such an acquisition includes any compensation paid by the landlord on the quitting of any such premises by the governing body or trustees (whether or not the compensation is required to be paid by section 37 of that Act (compensation where order for new tenancy precluded on certain grounds)).
- (5) In subsection (4) above, expressions to which a meaning is given for the purposes of the 1954 Act have the same meaning as in that Act.