



# Education Act 1993

## 1993 CHAPTER 35

### PART II

#### GRANT-MAINTAINED SCHOOLS

#### CHAPTER VIII

#### DISCONTINUANCE OF GRANT-MAINTAINED SCHOOLS

#### *Winding up and disposal of property*

#### **111 Power to provide by order for winding-up and disposal of property**

- (1) Where—
  - (a) proposals for the discontinuance of a grant-maintained school have been approved or adopted under section 106 of this Act, or
  - (b) the Secretary of State has given notice to the governing body of a grant-maintained school under section 109 of this Act specifying a date on which the funding authority's duty to maintain the school will cease,the Secretary of State may by order make provision for the winding up of the governing body and the disposal of the school property.
- (2) Subsections (3) to (7) below apply for the purposes of this section and sections 112 to 116 of this Act.
- (3) "Governing body in liquidation" means a governing body in respect of which any order has been made under this section.
- (4) "School property", in relation to a grant-maintained school conducted or formerly conducted by a governing body in liquidation, means—
  - (a) the premises used or formerly used for the purposes of the school,

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*Status: This is the original version (as it was originally enacted).*

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- (b) any interest belonging to the governing body, or held by any trustees on trust for the purposes of the school, in a dwelling house used or held or formerly used or held for occupation by a person employed to work at the school, and
  - (c) all other equipment and property used or held or formerly used or held for the purposes of the school (including any right to such property), except money and any investments to which section 116 of this Act applies.
- (5) References to a grant-maintained school formerly conducted by a governing body in liquidation apply in circumstances where the school has been discontinued before the dissolution date and refer to the school as conducted immediately before discontinuance (and “formerly” in subsection (4)(a) to (c) above applies in the same circumstances and refers to the time immediately before the discontinuance of the school concerned).
- (6) “Dissolution date”, in relation to a governing body in liquidation or the grant-maintained school conducted or formerly conducted by such a body, means the date appointed in relation to that body by virtue of section 112(5) of this Act.
- (7) “Section 105 loan liabilities”, in relation to a governing body in liquidation, means any liabilities in respect of any loans made under section 105 of the Education Act 1944 (loans by Secretary of State towards initial capital expenditure of aided and special agreement schools) which were transferred to the governing body under section 38 of this Act.