

Changes to legislation: School Standards and Framework Act 1998, Part III is up to date with all changes known to be in force on or before 02 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 22

DISPOSALS OF LAND IN CASE OF CERTAIN SCHOOLS AND DISPOSALS ON DISCONTINUANCE

Modifications etc. (not altering text)

- C1** Sch. 22 excluded (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), Sch. 1 para. 10(2)(c); S.I. 2010/1937, art. 2, Sch. 1

PART III

GENERAL

- 9 (1) Where a transfer under paragraph [^{F1}A5, A11, A17, A23,] 1(3)(a), 2(3)(a), 4(2), 5(4) (a) or (c), 6(2)(b) [^{F2}, 8(2)(b) or 8A] of this Schedule relates to registered land, it shall be the duty of the transferor—
- to execute any such instrument under the [^{F3}Land Registration Act 2002],
 - to deliver any such certificate under [^{F4}that Act], and
 - to do such other things under [^{F4}that Act],
- as he would be required to execute, deliver or do in the case of a transfer by agreement between the transferor and the transferee.
- (2) Paragraphs 6 to 8 of Schedule 10 to the ^{M1}Education Reform Act 1988 (construction of agreements) shall apply in relation to transfers under paragraph 7 of this Schedule as they apply in relation to transfers to which that Schedule applies.

Textual Amendments

- F1** Words in Sch. 22 para. 9(1) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 4 para. 14(a); S.I. 2007/935, art. 7(p)
- F2** Words in Sch. 22 para. 9(1) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 4 para. 14(b); S.I. 2007/935, art. 7(p)
- F3** Words in Sch. 22 para. 9(1)(a) substituted (13.10.2003) by Land Registration Act 2002 (c. 9), s. 136(2), Sch. 11 para. 37(a) (with s. 129); S.I. 2003/1725, art. 2(1)
- F4** Words in Sch. 22 para. 9(1)(b)(c) substituted (13.10.2003) by Land Registration Act 2002 (c. 9), s. 136(2), Sch. 11 para. 37(b) (with s. 129); S.I. 2003/1725, art. 2(1)

Marginal Citations

- M1** 1988 c. 40.

- 10 (1) In this Schedule—
- “the trustees”, in relation to a school, means any person (other than the governing body) holding property on trust for the purposes of the school;

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- (b) “disposal” includes—
 - (i) a compulsory disposal; and
 - (ii) in the case of any premises held under a tenancy to which Part II of the ^{M2}Landlord and Tenant Act 1954 (“the 1954 Act”) applies, the termination of that tenancy under that Part of that Act;
 - (c) references to “proceeds of disposal”, in relation to a disposal of land, are references to—
 - (i) any consideration for the disposal, including rent;
 - (ii) any compensation for the disposal, including any compensation paid by the landlord on the quitting of any premises within paragraph (b) (ii) by the governing body, foundation body or trustees (whether or not the compensation is required to be paid by section 37 of the 1954 Act (compensation where order for new tenancy precluded on certain grounds)); and
 - (iii) interest which has accrued in respect of any such consideration or compensation;
 - (d) “new school” has the meaning given by section 72(3).
 - [^{F5}(e) “the appropriate authority” means—
 - (i) in relation to a school in England, the Secretary of State, and
 - (ii) in relation to a school in Wales, the Assembly.]
 - [^{F6}(f) “regulated alteration” has the same meaning as in Chapter 2 of Part 3 of the School Standards and Organisation (Wales) Act 2013.]
- (2) In paragraphs (b)(ii) and (c)(ii) of sub-paragraph (1) expressions to which a meaning is given for the purposes of the 1954 Act have the same meaning as in that Act.
- (3) In paragraphs [^{F7}A1(1), A13(1), (2) or (3)(a), A24 to A26,] 1(1), 3(1) and 4(3) references, in relation to the governing body or trustees of a foundation, voluntary or foundation special school and in relation to a time before the appointed day—
- (a) to any land being acquired in a particular way, or
 - (b) to any grant being provided in a particular way,
- are references to the land being acquired in that way by, or (as the case may be) to the grant being provided in that way to, the governing body or trustees of that school at a time when it was a voluntary, grant-maintained or grant-maintained special school within the meaning of the ^{M3}Education Act 1996.
- (4) In paragraphs [^{F8}A1(1), A13(1),] 1(1) and 3(1) references, in relation to the governing body or trustees of a foundation, voluntary or foundation special school and in relation to a time before the appointed day, to any expenditure being incurred for the purposes of the school are references to such expenditure being incurred for the purposes of that school at a time when it was a voluntary, grant-maintained or grant-maintained special school within the meaning of the ^{M4}Education Act 1996.
- (5) In [^{F9}paragraphs A1(1) and 1(1)] references, in relation to the governing body of a foundation, voluntary or foundation special school, to any land being acquired in a particular way include references to the land being acquired in that way by the temporary governing body for the school.

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Textual Amendments

- F5** Sch. 22 para. 10(1)(e) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 15(2)**; S.I. 2007/935, art. 7(p)
- F6** Sch. 22 para. 10(1)(f) inserted (W.) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(14)(i)**; S.I. 2013/1800, art. 3(j)
- F7** Words in Sch. 22 para. 10(3) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 15(3)**; S.I. 2007/935, art. 7(p)
- F8** Words in Sch. 22 para. 10(4) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 15(4)**; S.I. 2007/935, art. 7(p)
- F9** Words in Sch. 22 para. 10(5) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 15(5)**; S.I. 2007/935, art. 7(p)
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Marginal Citations

- M2** 1954 c. 56.
- M3** 1996 c. 56.
- M4** 1996 c. 56.

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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. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)