STATUTORY INSTRUMENTS

2010 No. 1938

EDUCATION, ENGLAND

The Academy Conversions (Transfer of School Surpluses) Regulations 2010

Made - - - -	*28th July 2010*
Laid before Parliament	*4th August 2010*
Coming into force - -	*1st September 2010*

The Secretary of State for Education makes the following Regulations(**1**) in exercise of the powers conferred by section 7 of the Academies Act 2010(**2**):

Citation, commencement and application

1.—(1) These Regulations may be cited as the Academy Conversions (Transfer of School Surpluses) Regulations 2010 and come into force on 1st September 2010.

(2) They apply in relation to any maintained school in England in respect of which an Academy order has effect where the order was made under section 4(1)(a) of the Academies Act 2010 (Academy order following application by school).

Interpretation

2. In these Regulations—

"the Act" means the Academies Act 2010;

"the proprietor" means the proprietor of the Academy.

Determination of school surplus

3. The local authority must inform the proprietor of the determinations made by them under section 7(2) of the Act within three months, beginning with the conversion date.

(**1**) See section 579(1) of the Education Act 1996 (c.56) for the definition of "regulations". This definition applies by virtue of section 17(4) of the Academies Act 2010.
(**2**) 2010 c.32.

Review of local authority determination

4.—(1) A proprietor who disagrees with any determination made by the local authority under section 7(2) of the Act may apply to the Secretary of State for a review of that determination within one month, beginning with the date on which the proprietor is informed of that determination.

(2) An application for a review under paragraph (1) must include the proprietor's reasons for making it.

(3) The proprietor must provide the local authority with a copy of any application made under paragraph (1) within one week, beginning with the date on which the application is made.

(4) Within three months, beginning with the date on which an application is received under paragraph (1), the Secretary of State must—

(a) review the determination made by the local authority,

(b) confirm that determination or substitute the Secretary of State's own determination, and

(c) inform the proprietor and the local authority of the outcome of the review.

Payment of school surplus

5.—(1) Subject to paragraph (2), the authority must pay to the proprietor the amount of any surplus determined under section 7(2) of the Act within one month, beginning with the earlier of the following dates—

(a) the date on which the proprietor informs the local authority that the proprietor agrees with their determination; or

(b) the date on which the period specified in regulation 4(1) (period within which proprietor may apply for review) ends.

(2) If the proprietor applies for a review under regulation 4(1), the local authority must pay to the proprietor the amount of any surplus determined under section 7(2) of the Act or by the Secretary of State under regulation 4(4)(b), as the case may be, within one month, beginning with the date on which the authority is informed of the outcome of the review.

Jonathan Hill
Parliamentary Under Secretary of State
28th July 2010 Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 7 of the Academies Act 2010 requires local authorities to transfer a school's surplus to the Academy proprietor when the school converts to an Academy under an order following an application by the governing body. These Regulations set time limits for the determination of whether there is, and if so the amount of, a surplus, and for any review by the Secretary of State of any local authority determination.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. The impact on the public sector is minimal.