

Status: Point in time view as at 01/09/1999.

Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Disposal of land by governing body of foundation, voluntary or foundation special school is up to date with all changes known to be in force on or before 13 May 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)

SCHEDULES

SCHEDULE 22

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

PART I

FOUNDATION, VOLUNTARY AND FOUNDATION SPECIAL SCHOOLS: DISPOSALS OF LAND

Disposal of land by governing body of foundation, voluntary or foundation special school

- 1 (1) This paragraph applies to any disposal by the governing body of a foundation, voluntary or foundation special school of—
 - (a) any land acquired under a transfer under section 201(1)(a) of the ^{M1}Education Act 1996, or acquired under paragraph 2 of Schedule 3 or paragraph 16 of Schedule 6 or paragraph 5(4)(c) of this Schedule or under any regulations made under paragraph 5 of Schedule 8;
 - (b) any land acquired from a foundation body;
 - (c) any land acquired from the Funding Agency for Schools;
 - (d) any land acquired, or enhanced in value, wholly or partly by means of any maintenance, special purpose or capital grant (within the meaning of Chapter VI of Part III of the ^{M2}Education Act 1996);
 - (e) any land acquired, or enhanced in value, wholly or partly by means of expenditure incurred for the purposes of the school and treated by the local education authority as expenditure of a capital nature; or
 - (f) any land acquired, or enhanced in value, wholly or partly with the proceeds of disposal of any land acquired or enhanced in value as mentioned in any of paragraphs (a) to (e).
- (2) The governing body shall not make any such disposal without the written consent of the Secretary of State.
- (3) Where the governing body apply to the Secretary of State for his consent to any such disposal, he may do one or more of the following, namely—
 - (a) require the land or any part of the land to be transferred to such local authority as he may specify, subject to the payment by that authority of such sum by way of consideration (if any) as he determines to be appropriate; and
 - (b) give the governing body, when the land or any part of the land is disposed of—
 - (i) a direction to pay, either to him or to such local authority as he may specify, the whole or any part of the proceeds of disposal; and
 - (ii) a direction as to the use to which the whole or any part of the proceeds of disposal should be put.

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- (4) More than one direction may be given under sub-paragraph (3)(b)(i) in relation to a disposal of land within sub-paragraph (1) where it is just to do so, in particular where the disposal involves the creation of a lease.
- (5) Sub-paragraph (1)(e) shall not apply in the case of any expenditure incurred on or after the appointed day unless the authority—
 - (a) prepared a statement in writing—
 - (i) containing details of the amount of the expenditure, the acquisition or works funded (or to be funded) by such expenditure, and the total cost (or estimated total cost) of that acquisition or those works, and
 - (ii) indicating that the expenditure was being treated by them as expenditure of a capital nature; and
 - (b) sent a copy of the statement to the governing body either before, or no later than 12 months after, the expenditure was incurred.

Marginal Citations

M1 1996 c. 56.

M2 1996 c. 56.

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