

Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Disposal of land by trustees of foundation school ... is up to date with all changes known to be in force on or before 18 April 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 I

FOUNDATION, VOLUNTARY AND FOUNDATION SPECIAL SCHOOLS [^{F1}IN WALES]: DISPOSALS OF LAND

Textual Amendments

- F1** Words in Sch. 22 Pt. 1 heading inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 4 para. 3; S.I. 2007/935, art. 7(p) (with art. 8(5))

[^{F1}Disposal of land by trustees of foundation school ^{F2}...

Textual Amendments

- F1** Sch. 22 para. 2A and cross-heading inserted (7.6.2005) by Education Act 2005 (c. 18), s. 125(2), Sch. 17 para. 4 (with s. 119)
- F2** Words in Sch. 22 para. 2A heading omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 19(14)(c)(viii); S.I. 2013/1800, art. 3(j)

- 2A (1) This paragraph applies to any disposal by the trustees of a foundation ^{F3}... school [^{F4}in Wales] of—
- (a) any land acquired under paragraph 2 of Schedule 3, under paragraph 16 of Schedule 6 (including that provision as applied by any enactment), under paragraph 5(4B)(d) of this Schedule or under any regulations made under paragraph 5 of Schedule 8,
 - [^{F5}(aa) any land acquired under paragraph 7 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under that paragraph as applied by section 76(1) of that Act or under Part 3 of Schedule 4 to that Act;]
 - (b) any land acquired, or enhanced in value, wholly or partly with the proceeds of disposal of any land acquired as mentioned in paragraph (a) [^{F6}or (aa)], or
 - (c) any land falling within sub-paragraph (2) which was acquired by the trustees from the governing body of the school or of another foundation ^{F7}... school.

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- (2) Land falls within this sub-paragraph if—
- (a) it had been acquired by the governing body—
 - (i) under a transfer under section 201(1)(a) of the Education Act 1996, or
 - (ii) under any of the provisions mentioned in sub-paragraph (1)(a) [^{F8}or (aa)], or
 - (b) it had been acquired by the governing body, or enhanced in value, wholly or partly with the proceeds of disposal of land acquired as mentioned in paragraph (a) [^{F9}or (aa)].
- (3) The trustees shall not make any disposal to which this paragraph applies without the written consent of the [^{F10}Assembly].
- (4) Where the trustees apply to the [^{F11}Assembly] for [^{F12}its] consent to any such disposal and [^{F13}the Assembly] decides to give that consent, [^{F13}the Assembly] 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 [^{F13}the Assembly] may specify, subject to the payment by that authority of such sum by way of consideration (if any) as [^{F13}the Assembly] determines to be appropriate; and
 - (b) give the trustees, when the land or any part of the land is disposed of—
 - (i) a direction to pay to such local authority as [^{F13}the Assembly] may specify the whole or any part of the proceeds of the disposal; and
 - (ii) a direction as to the use to which the whole or any part of the proceeds of disposal should be put.
- (5) More than one direction may be given under sub-paragraph (4)(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.
- (6) Where the trustees of a foundation ^{F14}... school [^{F15}in Wales] wish, in the case of any land held by them for the purposes of the school, to use the land for purposes not connected with the provision of education in maintained schools—
- (a) the preceding provisions of this paragraph shall apply as if any such change of use of the land were a disposal of the land; and
 - (b) the value of the land as at the date of any direction under sub-paragraph (4) (b)(i) or (ii) shall be treated as proceeds of the disposal of the land.]

Textual Amendments

- F3** Words in Sch. 22 para. 2A(1) omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 19(14)(c)(i); S.I. 2013/1800, art. 3(j)
- F4** Words in Sch. 22 para. 2A(1) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 4 para. 6(2); S.I. 2007/935, art. 7(p) (with art. 8(5))
- F5** Sch. 22 para. 2A(1)(aa) inserted (W.) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 19(14)(c)(ii); S.I. 2013/1800, art. 3(j)
- F6** Words in Sch. 22 para. 2A(1)(b) inserted (W.) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 19(14)(c)(iii); S.I. 2013/1800, art. 3(j)
- F7** Words in Sch. 22 para. 2A(1)(c) omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 19(14)(c)(iv); S.I. 2013/1800, art. 3(j)

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- F8** Words in Sch. 22 para. 2A(2)(a)(ii) inserted (W.) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(14)(c)(v)**; S.I. 2013/1800, art. 3(j)
- F9** Words in Sch. 22 para. 2A(2)(b) inserted (W.) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(14)(c)(vi)**; S.I. 2013/1800, art. 3(j)
- F10** Word in Sch. 22 para. 2A(3) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 6(3)**; S.I. 2007/935, art. 7(p) (with art. 8(5))
- F11** Word in Sch. 22 para. 2A(4) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 6(3)**; S.I. 2007/935, art. 7(p) (with art. 8(5))
- F12** Word in Sch. 22 para. 2A(4) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 6(4)(a)**; S.I. 2007/935, art. 7(p) (with art. 8(5))
- F13** Words in Sch. 22 para. 2A(4) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 6(4)(b)**; S.I. 2007/935, art. 7(p) (with art. 8(5))
- F14** Words in Sch. 22 para. 2A(6) omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(14)(c)(vii)**; S.I. 2013/1800, art. 3(j)
- F15** Words in Sch. 22 para. 2A(6) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 6(5)**; S.I. 2007/935, art. 7(p) (with art. 8(5))

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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\(4\)](#)