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SCHEDULES

SCHEDULE 22

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

PART II

MAINTAINED SCHOOLS: DISPOSALS ON DISCONTINUANCE

Discontinuance of foundation, voluntary and foundation special schools: land

- 5 (1) This paragraph applies where—
- (a) proposals to discontinue a foundation, voluntary or foundation special school under section 29(1) or (2), section 31(1) or (2) [^{F1}, paragraph 5 of Schedule 7 to this Act or Schedule 7 to the Learning and Skills Act 2000]—
 - (i) have been approved or adopted under paragraph 3 or 8 of Schedule 6 or paragraph 8, 9 or 14 of Schedule 7, ^{F2} . . .
 - (ii) have been determined to be implemented under paragraph 4 or 9 of Schedule 6, [^{F3} or
 - ^{F3}(iii) have been approved under Schedule 7 to the Learning and Skills Act 2000,]
 - (b) the Secretary of State has given a direction—
 - (i) under section 19(1) requiring a maintained school to be discontinued, or
 - (ii) under section 32(1) requiring a foundation special school to be discontinued.
- (2) The governing body of the school shall apply to the Secretary of State for him to exercise his powers under sub-paragraph (4) below in relation to any land falling within paragraphs (a) to (f) of paragraph 1(1) which is held by them for the purposes of the school.
- (3) Where the school is a member of the group for which a foundation body acts, the body shall apply to the Secretary of State for him to exercise his powers under sub-paragraph (4) below in relation to any land falling within paragraphs (a) to (f) of paragraph 2(1) which is held by it for the purposes of the schools comprising the group.
- (4) On an application under sub-paragraph (2) or (3), the Secretary of State may do one or more of the following, namely—
- (a) make any such requirement as is mentioned in paragraph 1(3)(a);
 - (b) direct the governing body or the foundation body, as the case may be, to pay, either to him or to such local authority as he may specify, the whole or any

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- part of the value, as at the date of the direction, of the whole or any part of the land referred to in sub-paragraph (2) or (3), as the case may be; and
- (c) in a case where the discontinuance of the school is connected with proposals under section 28 or 31 or paragraph 5 of Schedule 7 to establish, or to make a prescribed alteration to, any other school or schools, require the land or any part of the land to be transferred to the governing body of such maintained school or the temporary governing body of such new school as he may specify.
- (5) Where the governing body or foundation body fail to make an application as required by sub-paragraph (2) or (3), as the case may be, the Secretary of State may nevertheless make any such requirement or give any such direction as is mentioned in sub-paragraph (4).
- (6) Where the trustees of the school—
- (a) dispose of any land falling within paragraph 3(1) or (2), or
- (b) wish to use any such land for purposes not connected with the provision of education in maintained schools,
- paragraph 3 shall apply to them.

Textual Amendments

- F1** Words in *Sch. 22 Pt. II para. 5(1)(a)* substituted (28.7.2000 for specified purposes, 1.4.2001 for E. and 1.4.2002 for W.) by 2000 c. 21, s. 149, **Sch. 9 para. 91(a)** (with s. 150); S.I. 2001/654, art. 2, **Sch. Pt. II** (with art. 3); S.I. 2001/2705, art. 2, **Sch. Pt. I**
- F2** Word in *Sch. 22 Pt. II para. 5(1)(a)(i)* repealed (28.7.2000 for specified purposes, 1.4.2001 for E. and 1.4.2002 for W.) by 2000 c. 21, s. 153, **Sch. 11**; S.I. 2001/654, art. 2, **Sch. Pt. II** (with art. 3); S.I. 2001/2705, art. 2, **Sch. Pt. I**
- F3** *Sch. 22 Pt. II para. 5(1)(a)(iii)* inserted (28.7.2000 for specified purposes, 1.4.2001 for E. and 1.4.2002 for W.) by 2000 c. 21, s. 149, **Sch. 9 para. 91(b)** (with s. 150); S.I. 2001/654, art. 2, **Sch. Pt. II** (with art. 3); S.I. 2001/2705, art. 2, **Sch. Pt. I**

Discontinuance of foundation or voluntary school by notice given by its governing body: land and premises

- 6 (1) This paragraph applies where the governing body of a foundation or voluntary school apply for the Secretary of State's consent to serve a notice under section 30(1).
- (2) If the Secretary of State gives such consent, he may impose any requirements in relation to the governing body or, where the school is a member of the group for which a foundation body acts, the foundation body that he thinks just—
- (a) in respect of the repayment of all or part of any expenditure incurred by him as mentioned in section 30(2);
- (b) in respect of the transfer to the local education authority of any premises used for the purposes of the school which he is satisfied the authority will need for any purpose connected with education;
- (c) (where any premises are to be so transferred) in respect of the payment by the authority of so much of the value of those premises as is just having regard to the extent to which the premises were provided otherwise than at public expense;
- (d) (where any premises used for the purposes of the school are not to be so transferred) in respect of the payment by the governing body or the

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foundation body, as the case may be, to the authority of so much of the value of those premises as is just having regard to the extent to which they were provided at public expense.

- (3) In sub-paragraph (2) “at public expense” means at the expense of—
- (a) the Funding Agency for Schools, or
 - (b) any local education authority or an authority within section 30(2)(d).
- (4) Where the trustees of the school—
- (a) dispose of any land falling within paragraph 3(1) or (2), or
 - (b) wish to use any such land for purposes not connected with the provision of education in maintained schools,
- paragraph 3 shall apply to them.

Disposal of property held by governing body of maintained school on their dissolution

- 7 (1) This paragraph applies in connection with the dissolution of the governing body of a maintained school by virtue of paragraph 4 of Schedule 10.
- (2) Where a governing body are so dissolved—
- (a) all land or other property of the governing body which is used or held for the purposes of the school, and
 - (b) all rights and liabilities (including rights and liabilities in relation to staff) of the governing body subsisting immediately before the date of dissolution which were acquired or incurred for the purposes of the school,
- shall on the date of dissolution be transferred to, and by virtue of this Act vest in—
- (i) the local education authority, or
 - (ii) one or more of the following, namely the governing body of a maintained school and the temporary governing body of a new school, if the Secretary of State so directs before the date of dissolution.
- (3) Sub-paragraph (2) does not apply to—
- (a) any land or other property for which provision has been made for transfer or payment under paragraph 5(4) or 6(2),
 - (b) any property of whatever nature which is held by the governing body on trust for the purposes of the school, or
 - (c) unless the Secretary of State otherwise directs by order made before the date of dissolution, any liabilities of the governing body in respect of any loan made to the governing body.
- (4) Subject to sub-paragraph (5), a governing body who are to be dissolved as mentioned in sub-paragraph (1) may transfer any land or other property which is held by them on trust for the purposes of the school to any person to hold such land or other property on trust for purposes connected with the provision of education in maintained schools.
- (5) Sub-paragraph (4) does not apply to any land or other property so held by the governing body of a foundation, voluntary or foundation special school where any other persons also hold any property on trust for the purposes of the school; and any

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such land or other property shall on the date of dissolution be transferred to, and by virtue of this Act vest in, those persons.

- (6) If any doubt or dispute arises as to the persons to whom any land or other property within sub-paragraph (5) falls to be transferred under that sub-paragraph, it shall be treated as falling to be so transferred to such persons as the Secretary of State thinks proper.

Notice by trustees terminating foundation or voluntary school's occupation of existing site

- 8 (1) This paragraph applies where trustees have given a notice falling within section 30(10) which is effective to terminate a foundation or voluntary school's occupation of any land ("the relevant premises").
- (2) If any expenditure has been incurred on the relevant premises as mentioned in section 30(2)(a) to (d), the Secretary of State may impose any requirements that he thinks just—
- (a) in respect of the repayment by the trustees of all or part of any such expenditure which was incurred by him;
 - (b) in respect of the transfer by the trustees to the local education authority of the whole or part of the relevant premises where he is satisfied the authority will need them for any purpose connected with education;
 - (c) (to the extent that the relevant premises are to be so transferred) in respect of the payment by the authority to the trustees of so much of the value of those premises as is just having regard to the extent to which the premises were provided otherwise than at public expense;
 - (d) (to the extent that the relevant premises are not to be so transferred) in respect of the payment by the trustees to the authority of so much of the value of those premises as is just having regard to the extent to which they were provided at public expense.
- (3) In sub-paragraph (2) "at public expense" means at the expense of—
- (a) the Funding Agency for Schools, or
 - (b) any local education authority or an authority within section 30(2)(d).

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