
DRAFT STATUTORY INSTRUMENTS

2002 No.

**The Regulatory Reform (Voluntary Aided Schools
Liabilities and Funding) (England) Order 2002**

Amendments to Schedule 22 to the 1998 Act

12. After paragraph 10 of Schedule 22 to the 1998 Act there shall be inserted—

“PART IV

**DISPOSAL OF LAND OF A VOLUNTARY AIDED
SCHOOL BY THE LOCAL EDUCATION AUTHORITY**

11.—(1) In this paragraph—

- (a) “capital expenditure” has the meaning given by Article 13 of the Regulatory Reform (Voluntary Aided Schools Liabilities and Funding) (England) Order 2002, as it has effect from time to time;
- (b) “commencement date” means the date on which that Order comes into force;
- (c) “relevant body” means—
 - (i) the governing body of a voluntary aided school; or
 - (ii) if the school has been discontinued and the governing body dissolved, the trustees;
- (d) “relevant land” means—
 - (i) any caretaker’s dwelling; or
 - (ii) other buildings which are not school buildings;which form part of the premises of a voluntary aided school.

(2) This paragraph applies to any disposal by the local education authority of relevant land enhanced in value wholly or partly by means of capital expenditure incurred by the governing body after the commencement date.

(3) But this paragraph shall not apply unless the relevant body gives to the local education authority no later than 12 months after the expenditure is incurred a statement—

- (a) setting out the amount of expenditure; and
- (b) stating that it is capital expenditure.

(4) Where this paragraph applies, the local education authority shall notify the relevant body that the provision applies to them and they shall pay to the relevant body so much of the proceeds of disposal as may be determined to be just, either by agreement between them and the relevant body or, in default of agreement, by the Secretary of State.

(5) In making the determination under sub-paragraph (4), the relevant body and the local education authority, or the Secretary of State, as the case may be, shall have regard in

particular to any enhancement in value of the relevant land attributable to expenditure by or on behalf of the governing body.

(6) If the local education authority permit relevant land to be used for purposes not connected with the school—

- (a) they shall be treated for the purposes of this paragraph as having disposed of the land; and
- (b) sub-paragraph (4) shall have effect as if the reference to proceeds of disposal were a reference to the value of the land.”