



# Education Act 1993 (repealed)

## 1993 CHAPTER 35

### PART II

#### GRANT-MAINTAINED SCHOOLS

#### CHAPTER III

#### PROPERTY, STAFF AND CONTRACTS

#### *Supplementary*

#### **47 Supplementary provisions about transfers.**

- (1) No duty of a local education authority under paragraph 6 of the First Schedule to the <sup>M1</sup>Education Act 1946 (maintenance of voluntary schools) to convey their interest in any site or buildings to the trustees of a school shall be affected by the school subsequently becoming a grant-maintained school.
- (2) Where such a duty is continued by virtue of subsection (1) above, then, in connection with the site in question, paragraphs 6 to 9 of that Schedule shall continue to apply after the school becomes a grant-maintained school as if it were a controlled school or, as the case may be, an aided or special agreement school.
- (3) Where any such duty as is referred to in subsection (1) above, or imposed by section 284(1) of this Act, applies in relation to a school, then—
  - (a) if it applies immediately before the date of implementation of proposals for acquisition of grant-maintained status, section 38(1)(a) of this Act shall not apply to, or to any interest in, the site or buildings or, as the case may be, the premises to be conveyed, and
  - (b) if it applies at a time when the procedure for acquisition of grant-maintained status is pending, section 41 of this Act shall not apply to disposing, or entering into a contract to dispose, of the site or buildings or, as the case may be, the premises to be conveyed.

*Status: Point in time view as at 01/09/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 1993 (repealed), Cross Heading: Supplementary. (See end of Document for details)*

- (4) Where immediately before the date of implementation of proposals for acquisition of grant-maintained status there is an agreement relating to any site or buildings made under paragraph 3 or 4 of that Schedule, section 38(1)(a) of this Act shall not apply to any rights or liabilities of any local authority under the agreement; and any directions given before that date under paragraph 5 of that Schedule, so far as they relate to the governing body of the school, shall have effect on or after that date as if they related to the governing body incorporated under section 34 of this Act.
- (5) In section 197(7) of the <sup>M2</sup>Education Reform Act 1988 (duty of local education authority to give information to Education Assets Board), after “local education authority” there is inserted “ and any governing body of a maintained or grant-maintained school ” and for “this Act” there is substituted “ the Education Acts 1944 to 1993 ”.
- (6) In paragraph 61 of Schedule 8 to the <sup>M3</sup>Further and Higher Education Act 1992 (new procedure, instead of paragraph 3 of Schedule 10 to the 1988 Act, where no agreement has been reached about transfers of assets under that Schedule and the transfer relates to the higher education sector), for “by virtue of section 126 or 130 and in such a case” there is substituted “ and ”.
- (7) In paragraph 1(1) of Schedule 10 to the <sup>M4</sup>Education Reform Act 1988 (apportionment of property held), after “held” there is inserted “ or used ”.
- (8) In paragraph 4(1) of that Schedule (registered land) for “by virtue of section 126 or 130” there is substituted “ to which this Schedule applies ”.
- (9) In that Schedule, for “local education authority” in each place where it appears there is substituted “ local authority ”.

**Modifications etc. (not altering text)**

**C2** S. 47 modified (1.1.1994) by S.I. 1993/3103, reg. 4, **Sch.3**

**Commencement Information**

**I1** S. 47 wholly in force at 1.4.1994; s. 47 not in force at Royal Assent see s. 308(3); s. 47(5)–(9) in force at 1.1.1994 by S.I. 1993/3106, art. 4, **Sch.1**; s. 47 in force at 1.4.1994 insofar as not already in force by S.I. 1994/507, **art. 3(1)**

**Marginal Citations**

**M1** 1946 c.50.

**M2** 1988 c. 40.

**M3** 1992 c. 13.

**M4** 1988 c. 40.

**Status:**

Point in time view as at 01/09/1996.

**Changes to legislation:**

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