



Education Act 1993 (repealed)

1993 CHAPTER 35

PART II

GRANT-MAINTAINED SCHOOLS

CHAPTER III

PROPERTY, STAFF AND CONTRACTS

Effect of pending procedure for acquisition of grant-maintained status on property disposals, etc.

42 Wrongful disposals of land.

- (1) This section applies where—
 - (a) proposals for acquisition of grant-maintained status in respect of a school have been approved, and
 - (b) a local authority have made a disposal, or have entered into a contract, in contravention of section 41(1) of this Act.
- (2) In the case of a contract which consists of granting an option to acquire any land or interest in land, the Education Assets Board may by notice in writing served on the option holder repudiate the option at any time before it is exercised.
- (3) In the case of a contract to dispose of any land or to grant or dispose of any interest in land, the Education Assets Board may by notice in writing served on the other party to the contract, at any time before the conveyance or grant of the land or any interest in land to which it relates is completed or executed, repudiate the contract.
- (4) A repudiation under subsection (2) or (3) above shall have effect as if—
 - (a) where it is made after the date of implementation of the proposals, the local authority (and not the governing body) were party to the contract, and
 - (b) the repudiation were made by the local authority.

Status: Point in time view as at 01/01/1994. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1993 (repealed), Section 42. (See end of Document for details)

- (5) In the case of a disposal which consists in granting or disposing of any interest in land (whether or not in pursuance of any earlier contract falling within subsection (2) or (3) above) the Education Assets Board may be authorised by the Secretary of State to purchase compulsorily the interest in land which was the subject of the disposal.
- (6) The ^{M1}Acquisition of Land Act 1981 shall apply in relation to the compulsory purchase of land under subsection (5) above as if references in sections 12 and 13 of that Act to every owner of the land included references to the local authority concerned.
- (7) On completion of a compulsory purchase under that subsection of any interest in land, the Education Assets Board shall convey that interest to the governing body incorporated under Chapter II.
- (8) Where the Education Assets Board acquire any interest in land by a compulsory purchase under subsection (5) above the Board shall be entitled to recover from the local authority concerned an amount equal to the aggregate of—
 - (a) the amount of compensation agreed or awarded in respect of that purchase, together with any interest payable by the Board in respect of that compensation in accordance with section 11 of the ^{M2}Compulsory Purchase Act 1965 or section 52A of the ^{M3}Land Compensation Act 1973, and
 - (b) the amount of the costs and expenses incurred by the Board in connection with the making of the compulsory purchase order.
- (9) Section 41(8) of this Act applies for the purposes of this section as it applies for the purposes of that.

Modifications etc. (not altering text)

C2 Ss. 40-46 applied (with modifications) (1.4.1994) by S.I. 1994/653, **regs. 2(2), 11**

C3 S. 42(1)(4) modified (1.1.1994) by S.I. 1993/3103, **reg. 4, Sch.3**

Marginal Citations

M1 1981 c. 67.

M2 1965 c. 56.

M3 1973 c. 26.

Status:

Point in time view as at 01/01/1994. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Education Act 1993 (repealed), Section 42.