

Status: Point in time view as at 15/11/2011.

Changes to legislation: Education Act 1996, SCHEDULE 35A is up to date with all changes known to be in force on or before 24 August 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)

SCHEDULES

[^{F1}SCHEDULE 35A

ACADEMIES: LAND

Textual Amendments

- F1** Sch. 35A inserted (26.7.2002) by [Education Act 2002 \(c. 32\)](#), ss. 65(3), 216(2), **Sch. 7 para. 1** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**

Transfer schemes

^{F2}1

Textual Amendments

- F2** Sch. 35A para. 1 omitted (29.7.2010) by virtue of [Academies Act 2010 \(c. 32\)](#), s. 19(2), **Sch. 2 para. 8**; S.I. 2010/1937, **art. 2, Sch. 1**

Restriction on disposal

- 2 (1) Sub-paragraph (2) applies if—
- (a) a freehold or leasehold interest in land is held by a [^{F3}local authority],
 - (b) the authority proposes to make a disposal in respect of the interest, or to enter into a contract to make a disposal in respect of it, or to grant an option to make an acquisition in respect of it, and
 - (c) at any time in the period of eight years ending with the day on which the disposal, contract or option is proposed to be made, entered into or granted, the land was used wholly or mainly for the purposes of a county school or community school.
- (2) Unless the Secretary of State consents, the authority must not make the disposal or enter into the contract or grant the option.
- (3) Sub-paragraph (2) does not apply to a disposal made in pursuance of a contract made, or option granted, before the coming into force of this paragraph.
- (4) Sub-paragraph (2) does not apply to—
- (a) a disposal in favour of a person for the purposes of an Academy and for no consideration;
 - (b) a contract to make such a disposal;
 - (c) a grant of an option for a person to make an acquisition for the purposes of an Academy and for no consideration.

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- (5) A disposal or contract or grant is not invalid by reason only that it is made in contravention of sub-paragraph (2).
- (6) A person acquiring an interest in land or entering into a contract to acquire it is not to be concerned to enquire whether consent required by sub-paragraph (2) has been given.

Textual Amendments

F3 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

- 3 (1) This paragraph applies if an authority makes a disposal or enters into a contract or grants an option in contravention of paragraph 2(2).
- (2) In the case of a grant of an option, the Secretary of State may by notice served on the option holder repudiate the option at any time before it is exercised.
- (3) In the case of a contract to make a disposal in respect of an interest, the Secretary of State may by notice served on the other party to the contract repudiate it at any time before a conveyance of the interest is executed.
- (4) A repudiation under sub-paragraph (2) or (3) has effect—
 - (a) when the notice is served, and
 - (b) as if the repudiation were made by the authority.
- (5) In the case of a disposal in respect of an interest (whether or not in pursuance of an option or contract falling within sub-paragraph (2) or (3)) the Secretary of State may purchase the interest concerned compulsorily.
- (6) The Acquisition of Land Act 1981 (c. 67) is to apply in relation to the compulsory purchase of an interest under sub-paragraph (5).
- (7) On completion of a compulsory purchase of an interest under sub-paragraph (5) the Secretary of State must transfer it to a person concerned with the running of an Academy.
- (8) If the Secretary of State acquires an interest by compulsory purchase under sub-paragraph (5) he is entitled to recover from the authority an amount equal to the aggregate of—
 - (a) the compensation agreed or awarded in respect of the purchase,
 - (b) any interest payable by him in respect of the compensation, and
 - (c) the costs and expenses incurred by him in connection with the making of the compulsory purchase order.
- (9) The authority must provide the Secretary of State with such information as he may require it to provide in connection with a compulsory purchase under sub-paragraph (5).
- 4 (1) For the purposes of paragraphs 2 and 3—
 - (a) references to a disposal in respect of an interest are to a disposal of the whole interest or of a lesser interest;

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- (b) references to an acquisition in respect of an interest are to an acquisition of the whole interest or of a lesser interest.
- (2) If the disposal referred to in paragraph 3(3) or (5) is a disposal of a lesser interest, the reference there to the interest concerned is to the lesser interest.

Restriction on appropriation

- 5 (1) Sub-paragraph (2) applies if—
- (a) a freehold or leasehold interest in land is held by a [^{F3}local authority],
 - (b) the authority proposes to make an appropriation of the land under section 122 of the Local Government Act 1972 (c. 70), and
 - (c) at any time in the period of eight years ending with the day on which the appropriation is proposed to be made the land was used wholly or mainly for the purposes of a county school or community school.
- (2) Unless the Secretary of State consents, the authority must not make the appropriation.

Textual Amendments

F3 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with [Sch. 2 para. 7\(4\)\(5\)](#))

- 6 (1) This paragraph applies if an authority makes an appropriation in contravention of paragraph 5(2).
- (2) The Secretary of State may purchase the interest concerned compulsorily.
- (3) Paragraph 3(6) to (9) apply to a compulsory purchase of an interest under sub-paragraph (2) above as they apply to a compulsory purchase of an interest under paragraph 3(5).

Duty to inform

- 7 (1) Sub-paragraph (2) applies if—
- (a) a freehold or leasehold interest in land is held by a [^{F3}local authority],
 - (b) the authority proposes to change the use of the land in such a way that (were the change made) the land would cease to be capable of use wholly or mainly for the purposes of a school, and
 - (c) at any time in the period of eight years ending with the date of the proposed change of use the land was used wholly or mainly for the purposes of a county school or community school.
- (2) The authority must inform the Secretary of State of the proposal.

Textual Amendments

F3 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with [Sch. 2 para. 7\(4\)\(5\)](#))

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Former Academies

F⁴8

Textual Amendments
F4 Sch. 35A paras. 8-10 omitted (29.7.2010) by virtue of Academies Act 2010 (c. 32), s. 19(2), Sch. 2 para. 8; S.I. 2010/1937, art. 2, Sch. 1

Disapplication of rule against perpetuities

F⁴9

Textual Amendments
F4 Sch. 35A paras. 8-10 omitted (29.7.2010) by virtue of Academies Act 2010 (c. 32), s. 19(2), Sch. 2 para. 8; S.I. 2010/1937, art. 2, Sch. 1

Other Acts

F⁴10

Textual Amendments
F4 Sch. 35A paras. 8-10 omitted (29.7.2010) by virtue of Academies Act 2010 (c. 32), s. 19(2), Sch. 2 para. 8; S.I. 2010/1937, art. 2, Sch. 1

Regulations

- 11 Regulations under this Schedule may in particular include—
 - F⁵(a)
 - F⁵(b)
 - F⁵(c)
 - F⁵(d)
 - F⁵(e)
 - (f) provision that consent under paragraph 2 is to be sought in a specified way;
 - (g) provision that information is to be given under paragraph 7 in a specified way.

Textual Amendments
F5 Sch. 35A para. 11(a)-(e) omitted (29.7.2010) by virtue of Academies Act 2010 (c. 32), s. 19(2), Sch. 2 para. 8; S.I. 2010/1937, art. 2, Sch. 1

Class consents

- 12 For the purposes of paragraphs 2(2) and 5(2), the consent of the Secretary of State—

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- (a) may be given in relation to a particular case or class of case, and
- (b) may be given subject to conditions.

Interpretation

- 13 A dwelling-house used by an authority for occupation by a person employed to work at a school is to be treated for the purposes of this Schedule as used for the purposes of the school.]

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