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## SCHEDULES

### SCHEDULE 22

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

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

- C1** Sch. 22 excluded (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), Sch. 1 para. 10(2)(c); S.I. 2010/1937, art. 2, Sch. 1

### PART I

#### FOUNDATION, VOLUNTARY AND FOUNDATION SPECIAL SCHOOLS <sup>F1</sup>[IN WALES]: DISPOSALS OF LAND

##### Textual Amendments

- F1** Words in Sch. 22 Pt. 1 heading inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 4 para. 3; S.I. 2007/935, art. 7(p) (with art. 8(5))

*<sup>F1</sup>Disposal of land by trustees of foundation school <sup>F1</sup>...*

##### Textual Amendments

- F1** Sch. 22 para. 2A and cross-heading inserted (7.6.2005) by Education Act 2005 (c. 18), s. 125(2), Sch. 17 para. 4 (with s. 119)
- F1** Words in Sch. 22 para. 2A heading omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 19(14)(c)(viii); S.I. 2013/1800, art. 3(j)

- 2A (1) This paragraph applies to any disposal by the trustees of a foundation <sup>F2</sup>... school <sup>F3</sup>[in Wales] of—
- (a) any land acquired under paragraph 2 of Schedule 3, under paragraph 16 of Schedule 6 (including that provision as applied by any enactment), under paragraph 5(4B)(d) of this Schedule or under any regulations made under paragraph 5 of Schedule 8,
  - <sup>F4</sup>(aa) [ any land acquired under paragraph 7 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under that paragraph as applied by section 76(1) of that Act or under Part 3 of Schedule 4 to that Act;]
  - (b) any land acquired, or enhanced in value, wholly or partly with the proceeds of disposal of any land acquired as mentioned in paragraph (a) <sup>F5</sup>[or (aa)], or
  - (c) any land falling within sub-paragraph (2) which was acquired by the trustees from the governing body of the school or of another foundation <sup>F6</sup>... school.

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- (2) Land falls within this sub-paragraph if—
- (a) it had been acquired by the governing body—
    - (i) under a transfer under section 201(1)(a) of the Education Act 1996, or
    - (ii) under any of the provisions mentioned in sub-paragraph (1)(a) [<sup>F7</sup>or (aa)], or
  - (b) it had been acquired by the governing body, or enhanced in value, wholly or partly with the proceeds of disposal of land acquired as mentioned in paragraph (a) [<sup>F8</sup>or (aa)].
- (3) The trustees shall not make any disposal to which this paragraph applies without the written consent of the [<sup>F9</sup>Assembly].
- (4) Where the trustees apply to the [<sup>F10</sup>Assembly] for [<sup>F11</sup>its] consent to any such disposal and [<sup>F12</sup>the Assembly] decides to give that consent, [<sup>F12</sup>the Assembly] may do one or more of the following, namely—
- (a) require the land or any part of the land to be transferred to such local authority as [<sup>F12</sup>the Assembly] may specify, subject to the payment by that authority of such sum by way of consideration (if any) as [<sup>F12</sup>the Assembly] determines to be appropriate; and
  - (b) give the trustees, when the land or any part of the land is disposed of—
    - (i) a direction to pay to such local authority as [<sup>F12</sup>the Assembly] may specify the whole or any part of the proceeds of the disposal; and
    - (ii) a direction as to the use to which the whole or any part of the proceeds of disposal should be put.
- (5) More than one direction may be given under sub-paragraph (4)(b)(i) in relation to a disposal of land within sub-paragraph (1) where it is just to do so, in particular where the disposal involves the creation of a lease.
- (6) Where the trustees of a foundation <sup>F13</sup>... school [<sup>F14</sup>in Wales] wish, in the case of any land held by them for the purposes of the school, to use the land for purposes not connected with the provision of education in maintained schools—
- (a) the preceding provisions of this paragraph shall apply as if any such change of use of the land were a disposal of the land; and
  - (b) the value of the land as at the date of any direction under sub-paragraph (4) (b)(i) or (ii) shall be treated as proceeds of the disposal of the land.]

#### Textual Amendments

- F2** Words in Sch. 22 para. 2A(1) omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 19(14)(c)(i); S.I. 2013/1800, art. 3(j)
- F3** Words in Sch. 22 para. 2A(1) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 4 para. 6(2); S.I. 2007/935, art. 7(p) (with art. 8(5))
- F4** Sch. 22 para. 2A(1)(aa) inserted (W.) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 19(14)(c)(ii); S.I. 2013/1800, art. 3(j)
- F5** Words in Sch. 22 para. 2A(1)(b) inserted (W.) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 19(14)(c)(iii); S.I. 2013/1800, art. 3(j)
- F6** Words in Sch. 22 para. 2A(1)(c) omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 19(14)(c)(iv); S.I. 2013/1800, art. 3(j)

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- F7** Words in Sch. 22 para. 2A(2)(a)(ii) inserted (W.) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(14)(c)(v)**; S.I. 2013/1800, art. 3(j)
- F8** Words in Sch. 22 para. 2A(2)(b) inserted (W.) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(14)(c)(vi)**; S.I. 2013/1800, art. 3(j)
- F9** Word in Sch. 22 para. 2A(3) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 6(3)**; S.I. 2007/935, art. 7(p) (with art. 8(5))
- F10** Word in Sch. 22 para. 2A(4) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 6(3)**; S.I. 2007/935, art. 7(p) (with art. 8(5))
- F11** Word in Sch. 22 para. 2A(4) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 6(4)(a)**; S.I. 2007/935, art. 7(p) (with art. 8(5))
- F12** Words in Sch. 22 para. 2A(4) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 6(4)(b)**; S.I. 2007/935, art. 7(p) (with art. 8(5))
- F13** Words in Sch. 22 para. 2A(6) omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(14)(c)(vii)**; S.I. 2013/1800, art. 3(j)
- F14** Words in Sch. 22 para. 2A(6) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 6(5)**; S.I. 2007/935, art. 7(p) (with art. 8(5))

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