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## SCHEDULES

### SCHEDULE 22

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

##### PART II

##### MAINTAINED SCHOOLS: DISPOSALS ON DISCONTINUANCE

###### *Discontinuance of foundation, voluntary and foundation special schools: land*

- 5 (1) This paragraph applies where—
- [<sup>F1</sup>(a) proposals to discontinue a foundation, voluntary or foundation special school have been approved, adopted or determined to be implemented under any enactment, or]
  - (b) the Secretary of State has given a direction—
    - (i) under section 19(1) requiring a maintained school to be discontinued, or
    - (ii) under section 32(1) requiring a foundation special school to be discontinued.
- (2) The governing body of the school shall apply to the Secretary of State for him to exercise his powers under sub-paragraph (4) below in relation to any land falling within paragraphs (a) to (f) of paragraph 1(1) which is held by them for the purposes of the school.
- (3) Where the school is a member of the group for which a foundation body acts, the body shall apply to the Secretary of State for him to exercise his powers under sub-paragraph (4) below in relation to any land falling within paragraphs (a) to (f) of paragraph 2(1) which is held by it for the purposes of the schools comprising the group.
- (4) On an application under sub-paragraph (2) or (3), the Secretary of State may do one or more of the following, namely—
- (a) make any such requirement as is mentioned in paragraph 1(3)(a);
  - (b) direct the governing body or the foundation body, as the case may be, to pay, either to him or to such local authority as he may specify, the whole or any part of the value, as at the date of the direction, of the whole or any part of the land referred to in sub-paragraph (2) or (3), as the case may be; and
  - (c) in a case where the discontinuance of the school is connected with proposals under [<sup>F2</sup>any enactment] to establish, or to make a prescribed alteration to, any other school or schools, require the land or any part of the land to be transferred to the governing body of such maintained school or the temporary governing body of such new school as he may specify.

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- [<sup>F3</sup>(4A) Where the school is a foundation or foundation special school which has a foundation, the trustees of the school shall apply to the Secretary of State for him to exercise his powers under sub-paragraph (4B) in relation to any land falling within paragraph 2A(1)(a), (b) or (c) which is held by the trustees for the purposes of the school.
- (4B) On an application under sub-paragraph (4A), the Secretary of State may do one or more of the following, namely—
- (a) make any such requirement as is mentioned in paragraph 2A(4)(a);
  - (b) where the trustees have power to use the land for the purposes of another foundation or foundation special school or for the purposes of a voluntary school, direct the trustees to exercise that power in such manner as he may specify;
  - (c) direct the trustees to pay to such local authority as he may specify the whole or any part of the value, as at the date of the direction, of the whole or any part of the land referred to in sub-paragraph (4A); and
  - (d) in a case where the discontinuance of the school is connected with proposals under any enactment to establish, or to make a prescribed alteration to, any other school or schools, require the land or any part of the land to be transferred—
    - (i) to the trustees, foundation body or governing body of such maintained school as he may specify, or
    - (ii) to the trustees, foundation body or temporary governing body of such new school as he may specify.]
- (5) Where the governing body [<sup>F4</sup>, foundation body or trustees] fail to make an application as required by sub-paragraph [<sup>F5</sup>(2), (3) or (4A)], as the case may be, the Secretary of State may nevertheless make any such requirement or give any such direction as is mentioned in sub-paragraph [<sup>F6</sup>(4) or (4B), as the case may be].
- (6) Where the trustees of the school—
- (a) dispose of any land falling within paragraph 3(1) or (2) [<sup>F7</sup>but not within paragraph 2A(1)(a), (b) or (c)], or
  - (b) wish to use any such land for purposes not connected with the provision of education in maintained schools,
- paragraph 3 shall apply to them.

#### Textual Amendments

- F1** Sch. 22 para. 5(1)(a) substituted (19.12.2002 for W., 1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 118\(5\)\(a\)](#) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4
- F2** Words in Sch. 22 para. 5(4)(c) substituted (19.12.2002 for W., 1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 118\(5\)\(b\)](#) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4
- F3** Sch. 22 para. 5(4A)(4B) inserted (7.6.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(2), [Sch. 17 para. 6\(2\)](#) (with s. 119)
- F4** Words in Sch. 22 para. 5(5) substituted (7.6.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(2), [Sch. 17 para. 6\(3\)\(a\)](#) (with s. 119)
- F5** Words in Sch. 22 para. 5(5) substituted (7.6.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(2), [Sch. 17 para. 6\(3\)\(b\)](#) (with s. 119)

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| <p><b>F6</b> Words in Sch. 22 para. 5(5) substituted (7.6.2005) by <a href="#">Education Act 2005 (c. 18), s. 125(2)</a>, <a href="#">Sch. 17 para. 6(3)(c)</a> (with s. 119)</p> |
| <p><b>F7</b> Words in Sch. 22 para. 5(6)(a) inserted (7.6.2005) by <a href="#">Education Act 2005 (c. 18), s. 125(2)</a>, <a href="#">Sch. 17 para. 6(4)</a> (with s. 119)</p>    |

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