

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Obligations of local authorities as regards provision of sites (otherwise than in connection with statutory proposals) is up to date with all changes known to be in force on or before 13 September 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

### SCHEDULE 3

#### FUNDING OF FOUNDATION, VOLUNTARY AND FOUNDATION SPECIAL SCHOOLS

#### PART II

#### VOLUNTARY AIDED SCHOOLS

*Obligations of [F<sup>1</sup>local authorities] as regards provision of sites (otherwise than in connection with statutory proposals)*

#### Textual Amendments

**F1** 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), art. 1, Sch. 2 para. 10(3) (with Sch. 2 para. 10(4))

- 4 (1) In the case of a voluntary aided school, the [F<sup>2</sup>local authority] shall provide any new site which is to be provided in addition to, or instead of, the school's existing site (or part of its existing site).
- (2) Sub-paragraph (1) does not—
- (a) apply in relation to the provision of any site which persons other than the authority are required to provide by virtue of [F<sup>3</sup>any enactment]; or
  - (b) require the [F<sup>2</sup>local authority] to finance the acquisition by the governing body of any site or buildings provided otherwise than by the authority.
- (3) Where a site is provided for a school under this paragraph, the [F<sup>2</sup>local authority] shall transfer their interest in the site, and in any buildings on the site which are to form part of the school premises—
- (a) to the trustees of the school, to be held by them on trust for the purposes of the school, or
  - (b) if the school has no trustees, to the school's foundation body to be held by that body for the relevant purposes.
- (4) If any doubt or dispute arises as to the persons to whom the authority are required to make the transfer, it shall be made to such persons as the Secretary of State thinks proper.
- (5) The authority shall pay to the persons to whom the transfer is made their reasonable costs in connection with the transfer.
- (6) Where—
- (a) a site is provided for a school under this paragraph, and

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(b) work is required to be done to the site for the purpose of clearing it or making it suitable for building purposes,

the [<sup>F2</sup>local authority] and the governing body of the school may make an agreement providing for the making of such payments, or of such other adjustments of their respective rights and liabilities, as will secure that the cost of the work is borne by the authority.

(7) Where—

- (a) a site is provided for a school under this paragraph, and
- (b) there are buildings on the site which are of value for the purposes of the school,

the [<sup>F2</sup>local authority] and the governing body of the school may make an agreement providing for the making of such payments, or of such other adjustments of their respective rights and liabilities, as appear to be desirable having regard to the governing body's duties under paragraph 3 with respect to the [<sup>F4</sup>school premises].

(8) Where it appears to the Secretary of State that provision for any payment or other adjustment ought to have been made under sub-paragraph (6) or (7) but has not been made, he may give directions providing for the making of such payment or other adjustment as he thinks proper.

(9) In this paragraph—

“the relevant purposes” means, in relation to a transfer to a school's foundation body, the purposes of the schools comprising the group for which that body acts;

“site” does not include playing fields but otherwise includes any site which is to form part of the premises of the school in question.

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