

## SCHEDULES

### SCHEDULE 6

#### STATUTORY PROPOSALS: PROCEDURE AND IMPLEMENTATION

#### PART IV

##### PROVISION OF PREMISES AND OTHER ASSISTANCE

*Provision of site and buildings for foundation,  
voluntary controlled or foundation special school*

- 16 (1) This paragraph applies where a local education authority are required—
- (a) by virtue of paragraph 13(2) or (3) to provide a site for a foundation or voluntary controlled school or a proposed such school; or
  - (b) by virtue of paragraph 15(2) or (3) to provide a site for a foundation special school.
- (2) The 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 school's trustees, 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 or (in the absence of such a body) to the governing body, to be held by that body for the relevant purposes.
- (3) 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.
- (4) The authority shall pay to the persons to whom the transfer is made their reasonable costs in connection with the transfer.
- (5) Where—
- (a) a transfer is made under this paragraph, and
  - (b) the transfer is made to persons who possess, or are or may become entitled to, any sum representing proceeds of the sale of other premises which have been used for the purposes of the school,
- those persons shall notify the local education authority that paragraph (b) applies to them and they or their successors shall pay to the local education authority so much of that sum as, having regard to the value of the interest transferred, may be determined to be just, either by agreement between them and the authority or, in default of agreement, by the Secretary of State.
- (6) In sub-paragraph (5)(b) the reference to proceeds of the sale of other premises includes a reference to—

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*Status: This is the original version (as it was originally enacted).*

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- (a) consideration for the creation or disposition of any kind of interest in other premises, including rent; and
  - (b) interest which has accrued in respect of any such consideration;and for the purposes of any agreed determination under sub-paragraph (5) regard shall be had to any guidance given from time to time by the Secretary of State.
- (7) Any sum paid under sub-paragraph (5) shall be treated for the purposes of section 14 of the Schools Sites Act 1841 (which relates to the sale or exchange of land held on trust for the purposes of a school) as a sum applied in the purchase of a site for the school.
- (8) A determination may be made under sub-paragraph (5) in respect of any property subject to a trust which has arisen under section 1 of the Reverter of Sites Act 1987 (right of reverter replaced by trust for sale) if (and only if)—
  - (a) the determination is made by the Secretary of State, and
  - (b) he is satisfied that steps have been taken to protect the interests of the beneficiaries under the trust.
- (9) Sub-paragraph (5) shall apply for the purpose of compensating the authority notified under that sub-paragraph only in relation to such part of the sum mentioned in sub-paragraph (5)(b) (if any) as remains after the application of paragraphs 1 to 3 of Schedule 22 to that sum.
- (10) In this paragraph—
  - “the relevant purposes” means—
    - (a) in relation to a transfer to a school’s foundation body, the purposes of the schools comprising the group for which that body acts, or
    - (b) in relation to a transfer to a school’s governing body, the purposes of the school;
  - “site” does not include playing fields but otherwise includes any site which is to form part of the premises of the school in question.