



School Standards and Framework Act 1998

1998 CHAPTER 31

PART II **E+W**

NEW FRAMEWORK FOR MAINTAINED SCHOOLS

CHAPTER VII **E+W**

MISCELLANEOUS AND SUPPLEMENTAL

Disposals of land and on discontinuance

77 Control of disposals or changes in use of school playing fields. **E+W**

- (1) Except with the consent of the Secretary of State, a body to whom this subsection applies shall not dispose of any playing fields—
- (a) which are, immediately before the date of the disposal, used by a maintained school for the purposes of the school, or
 - (b) which are not then so used but have been so used at any time within the period of 10 years ending with that date.
- (2) Subsection (1) applies—
- (a) to a local authority; and
 - (b) in any case where the consent of the Secretary of State is not required to any such disposal by virtue of either of paragraphs 1 and 2 of Schedule 22—
 - (i) to the governing body of a maintained school, and
 - (ii) to a foundation body.
- (3) Except with the consent of the Secretary of State, a local authority shall not take any action (other than the making of a disposal falling within subsection (1)) which is intended or likely to result in a change of use of any playing fields—

Status: Point in time view as at 01/10/1998. This version of this provision has been superseded.

Changes to legislation: School Standards and Framework Act 1998, Section 77 is up to date with all changes known to be in force on or before 03 July 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)

- (a) which are, immediately before the date when the action is taken, used by a maintained school for the purposes of the school, or
- (b) which are not then so used but have been so used at any time within the period of 10 years ending with that date,

whereby the playing fields will be used for purposes which do not consist of or include their use as playing fields by such a school for the purposes of the school.

- (4) Subsection (3) does not, however, apply where the land in question will, on a change of use falling within that subsection, become used in connection with the provision by a local authority of educational facilities for a maintained school or any recreational facilities.
- (5) For the purposes of this section the Secretary of State's consent may be given in relation to a particular disposal or change of use or generally in relation to disposals or changes of use of a particular description, and in either case may be given subject to conditions.
- (6) This section has effect despite anything in section 123 or 127 of the ^{M1}Local Government Act 1972 (general power to dispose of land) or in any other enactment; and any consent which a local authority are required to obtain by virtue of this section shall be in addition to any consent required by virtue of either of those sections.
- (7) In this section—
 - “local authority” includes a parish council;
 - “playing fields” means land in the open air which is provided for the purposes of physical education or recreation, other than any prescribed description of such land.
- (8) For the purposes of this section any reference to a maintained school includes, in relation to any time falling before the appointed day, a reference to the school as—
 - (a) a county, voluntary or maintained special school, or
 - (b) a grant-maintained or grant-maintained special school,
 within the meaning of the ^{M2}Education Act 1996.
- (9) Nothing in this section applies in relation to Wales.

Modifications etc. (not altering text)

- C1** S. 77(1) restricted (28.7.2000) by 2000 c. 21, s. 131, **Sch. 8 para. 9(3)** (with s. 150)
- C2** S. 77(1) excluded (26.7.2002) by Education Act 1996 (c. 56), Sch. 35A para. 10(4) (as inserted by Education Act 2002 (c. 32), ss. 65, 216, **Sch. 7 Pt. 1 para. 1** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**)
- C3** S. 77 modified (*temp.*) (1.2.1999) by S.I. 1999/1, **reg.2**

Commencement Information

- I1** S. 77 wholly in force; s. 77 not in force at Royal Assent see s. 145(3); s. 77 except subsection (2)(b) in force at 1.10.1998 by S.I. 1998/2212, **art. 2, Sch. 1 Pt. I**; s. 77(2)(b) in force at 1.2.1999 by S.I. 1998/3198, **art. 2(2), Sch.**

Marginal Citations

- M1** 1972 c. 70.
- M2** 1996 c. 56.

Status:

Point in time view as at 01/10/1998. This version of this provision has been superseded.

Changes to legislation:

School Standards and Framework Act 1998, Section 77 is up to date with all changes known to be in force on or before 03 July 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.