

*Status: Point in time view as at 01/08/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Paragraph 6. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 17

#### FOUNDATION, VOLUNTARY AND FOUNDATION SPECIAL SCHOOLS: DISPOSAL OF LAND

- 6 (1) Paragraph 5 (discontinuance of foundation, voluntary and foundation special schools: land) is amended as follows.
- (2) After sub-paragraph (4) insert—
- “(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.”
- (3) In sub-paragraph (5)—
- (a) for “or foundation body” substitute “, foundation body or trustees ”,
  - (b) for “(2) or (3)” substitute “ (2), (3) or (4A) ”, and
  - (c) for “(4)” substitute “ (4) or (4B), as the case may be ”.
- (4) In sub-paragraph (6)(a), after “falling within paragraph 3(1) or (2)” insert “ but not within paragraph 2A(1)(a), (b) or (c) ”.

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