

*These notes refer to the Education Act 2011 (c.21)  
which received Royal Assent on 15 November 2011*

# EDUCATION ACT 2011

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 6: Academies

##### Academy orders

##### *Section 59: Transfer of property, rights and liabilities to Academies*

286. *Section 59* amends section 8 of AA 2010. Section 8 applies when an Academy order has effect and a school is converting into an Academy. In those circumstances, the Secretary of State has a power to make a property transfer scheme for the transfer of property (other than land), rights and liabilities held by local authorities in relation to a school or a school's governing body to the proprietor of the new Academy. *Subsections (2) and (3)* provide that a property transfer scheme is now to be called a transfer scheme and that such a scheme includes, in addition to other property, rights and liabilities of local authorities or governing bodies, the rights and liabilities in relation to staff.
287. *Subsection (4)* changes the description of the recipient of property, rights and liabilities under a transfer scheme from "the proprietor of the Academy" to "a person concerned with the running of the Academy". This ensures consistency with the terms of the new Schedule 1 to AA 2010 (inserted by *Schedule 14*) concerning the transfer of land.
288. The new Schedule 1 to AA 2010 also contains a power (at paragraph 13(3)(b)) for the Secretary of State to make a direction for the transfer of land, other property, rights and liabilities to vest in a person concerned with the running of an Academy where the governing body of a school are to be dissolved following an Academy order.