

SCHEDULE 1

Regulation 4(1)

Modifications to provisions of the Change of Category Regulations

The provisions of the Change of Category Regulations shall have effect where a school proposes to enter, join or leave a group under a different category from its existing category, with the modifications set out below.

Modifications to Schedule 1

1. In Schedule 1, the modified paragraph 3(3) of Schedule 6 to the 1998 Act shall have effect as if—

(a) for sub-paragraphs (b) and (c) there were substituted—

“(b) the Secretary of State gives notice under regulation 7(1) of the Education (Foundation Body) (England) Regulations 2000⁽¹⁾ (that a foundation body shall become operative and that the school shall form part of a group for which the foundation body shall act) by a date specified in the approval,

(c) the Secretary of State makes a declaration under regulation 22(3) of the Education (Foundation Body) (England) Regulations 2000 (that the school shall form part of a group for which a foundation body acts) by a date specified in the approval, or”;

(b) after sub-paragraph (c) there were inserted—

“(d) the Secretary of State makes a declaration under regulation 23(1) of the Education (Foundation Body) (England) Regulations 2000 (that the school shall leave a group for which a foundation body acts) by a date specified in the approval.”.

Modifications to Schedule 6

2. Schedule 6 shall have effect as if—

(a) after paragraph 1 there were inserted—

“**1A** Any reference in this Schedule, in relation to a school, to land being transferred to, and vesting in, a foundation body is a reference to its being transferred to, and vesting in, that body for the purposes of the schools comprising the group for which that body acts.”;

(b) for paragraph 3 there were substituted—

“**3.—**(1) This paragraph applies where—

(a) any proposals that a community school should become a foundation school have been approved under paragraph 3 of the modified Schedule 6 to the Act or a local education authority have determined under paragraph 4 to the modified Schedule 6 to the Act to implement any such proposals; and

(b) as from the implementation date the school (as a foundation school) will be a member of a group for which a foundation body acts.

(2) In such a case, any land, other than land held on trust, which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school shall on that date be transferred to, and by virtue of this paragraph vest in, the foundation body.”;

(c) for paragraph 4 there were substituted—

(1) S.I.2000/2872.

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“(4)

(1) This paragraph applies where—

- (a) any proposals that a community school should become a voluntary aided school have been approved under paragraph 3 of the modified Schedule 6 to the Act; and
- (b) as from the implementation date the school (as a voluntary aided school) will be a member of a group for which a foundation body acts.

(2) In such a case, any land other than playing fields or land held on trust which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school shall on that date be transferred to, and by virtue of this paragraph vest in, the foundation body.”;

(d) for paragraph 5 there were substituted—

“5.—(1) This paragraph applies where—

- (a) any proposals that a community school should become a voluntary controlled school have been approved under paragraph 3 of the modified Schedule 6 to the Act; and
- (b) as from the implementation date the school (as a voluntary controlled school) will be a member of a group for which a foundation body acts.

(2) In such a case, any land other than playing fields or land held on trust which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school shall on that date be transferred to, and by virtue of this paragraph vest in, the foundation body.”;

(e) in paragraph 6—

- (i) in sub-paragraph (2)(a) for “trustees of the school or the governing body” there were substituted “foundation body for the purposes of the schools in the group and used”,
- (ii) in sub-paragraph (2)(b) for “trustees of the school or the governing body” there were substituted “foundation body for the purposes of the schools in the group and used”, and
- (iii) in sub-paragraph (4)(a) for “trustees mentioned in that sub-paragraph or (as the case may be) the governing body” there were substituted “foundation body mentioned in that sub-paragraph, with the prior consent in writing of the governing body”;

(f) after paragraph 6 there were inserted—

“6A.—(1) This paragraph applies where—

- (a) any proposals that a foundation school which is not a member of a group for which a foundation body acts should become a voluntary aided or voluntary controlled school have been approved under paragraph 3 of the modified Schedule 6 to the Act; and
- (b) as from the implementation date the school (as a voluntary aided or controlled school) will be a member of such a group.

(2) In such a case any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body for the purposes of the foundation school shall on that date be transferred to, and by virtue of this paragraph vest in, the foundation body.

6B.—(1) This paragraph applies where—

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- (a) any proposals that a foundation school which is a member of a group for which a foundation body acts should become a voluntary aided or voluntary controlled school have been approved under paragraph 3 of the modified Schedule 6 to the Act; and
- (b) as from the implementation date the school (as a voluntary aided or voluntary controlled school) will not be a member of such a group.

(2) In such a case any land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the foundation school shall on that date be transferred to, and by virtue of this paragraph vest in, the trustees of the school, to be held by them on trust for the purposes of the school.”;

(g) in paragraph 7—

- (i) in sub-paragraph (2) (a) for “trustees of the school or the governing body” there were substituted “foundation body for the purposes of the schools in the group and used”,
- (ii) in sub-paragraph 2 (b) for “trustees of the school or the governing body” there were substituted “foundation body for the purposes of the schools in the group and used”, and
- (iii) in sub-paragraph (4) (a) for “trustees mentioned in that sub-paragraph or (as the case may be) the governing body” there were substituted “foundation body mentioned in that sub-paragraph, with the prior consent in writing of the governing body”;

(h) for paragraph 8 there were substituted—

“8.—(1) This paragraph applies where—

- (a) any proposals that a voluntary aided school which is not a member of a group for which a foundation body acts should become a foundation school have been approved under paragraph 3 of the modified Schedule 6 to the Act; and
- (b) as from the implementation date the school (as a foundation school) will be a member of such a group.

(2) In such a case any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body or the local education authority for the purposes of the voluntary aided school shall on that date be transferred to, and by virtue of this paragraph vest in, the foundation body.

8A.—(1) This paragraph applies where—

- (a) any proposals that a voluntary aided school which is a member of a group for which a foundation body acts should become a foundation school have been approved under paragraph 3 of the modified Schedule 6 to the Act; and
- (b) as from the implementation date the school (as a foundation school) will not be a member of such a group.

(2) In such a case any land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary aided school or was held or used by the local education authority for the purposes of that school shall on that date be transferred to, and by virtue of this paragraph vest in,—

- (a) 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, the governing body.”;

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(i) after paragraph 8A there were inserted—

“8B.—(1) This paragraph applies where—

- (a) any proposals that a voluntary aided school or a voluntary controlled school which is not a member of a group for which a foundation body acts should become (as the case may be) a voluntary controlled or a voluntary aided school have been approved under paragraph 3 of the modified Schedule 6 to the Act; and
- (b) as from the implementation date the school will be a member of such a group.

(2) In such a case any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body for the purposes of the school shall on that date be transferred to, and by virtue of this paragraph vest in, the foundation body.

8C.—(1) This paragraph applies where—

- (a) any proposals that a voluntary aided school or a voluntary controlled school which is a member of a group for which a foundation body acts should become (as the case may be) a voluntary controlled school or a voluntary aided school have been approved under paragraph 3 of the modified Schedule 6 to the Act; and
- (b) as from the implementation date the school will not be a member of such a group.

(2) In such a case any land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the school shall on that date be transferred to, and by virtue of this paragraph vest in, the trustees of the school to be held by them on trust for the purposes of the school.”;

(j) in paragraph 9—

- (i) in sub-paragraph (2)(a) for “trustees of the school or the governing body” there were substituted “foundation body for the purposes of the schools in the group and used”,
- (ii) in sub-paragraph (2)(b) for “trustees of the school or the governing body” there were substituted “foundation body for the purposes of the schools in the group and used”, and
- (iii) in sub-paragraph (4)(a) for “trustees mentioned in that sub-paragraph or (as the case may be) the governing body” there were substituted “foundation body mentioned in that sub-paragraph, with the prior consent in writing of the governing body”;

(k) for paragraph 10 there were substituted—

“10.—(1) This paragraph applies where—

- (a) any proposals that a voluntary controlled school which is not a member of a group for which a foundation body acts should become a foundation school have been approved under paragraph 3 of the modified Schedule 6 to the Act; and
- (b) as from the implementation date the school (as a foundation school) will be a member of such a group.

(2) In such a case, any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body or the local education authority for the purposes of the voluntary controlled school shall on that date be transferred to, and by virtue of this paragraph vest in, the foundation body.

10A.—(1) This paragraph applies where—

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- (a) any proposals that a voluntary controlled school which is a member of a group for which a foundation body acts should become a foundation school have been approved under paragraph 3 of the modified Schedule 6 to the Act; and
 - (b) as from the implementation date the school (as a foundation school) will not be a member of such a group.
- (2) In such a case any land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary controlled school or was held by the local authority for the purposes of that school shall on that date be transferred to, and by virtue of this paragraph vest in,—
- (a) 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, the governing body.”;
- (l) after paragraph 12 there were inserted—
- “**12A.**—(1) This paragraph applies where—
- (a) any proposals that a foundation, voluntary aided or voluntary controlled school which is a member of a group for which a foundation body acts should become a school of another category, being (as the case may be) a foundation, voluntary aided or voluntary controlled school, have been approved under paragraph 3 of the modified Schedule 6 to the Act; and
 - (b) as from the implementation date the school will be a member of a group for which another foundation body acts.
- (2) In such a case any land which, immediately before the implementation date, was held by the foundation body mentioned in sub-paragraph (1)(a) above for the purposes of the schools in the group and used for the purposes of the school shall on that date be transferred to, and by virtue of this paragraph vest in, the foundation body mentioned in sub-paragraph (1)(b) above”;
- (m) in paragraph 14 (3)—
- (i) for “trustees who hold” there were substituted “foundation body which holds”,
 - (ii) In sub-paragraph (a) for “trustees” there were substituted “foundation body”, and
 - (iii) in sub-paragraph (5)(a) for “trustees mentioned in that sub-paragraph” there were substituted “foundation body mentioned in that sub-paragraph, with the prior consent in writing of the governing body”;
- (n) in paragraph 15(1)(c) after “governing body” there were inserted “, foundation body”.