

2012 No. 1829

EDUCATION, ENGLAND

The Academies (Land Transfer Schemes) Regulations 2012

Made - - - - *12th July 2012*

Laid before Parliament *13th July 2012*

Coming into force - - *3rd August 2012*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by paragraph 21 of Schedule 1 to the Academies Act 2010^(a) and section 569(4) of the Education Act 1996^(b).

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Academies (Land Transfer Schemes) Regulations 2012 and come into force on 3rd August 2012.

(2) These Regulations apply in relation to England only.

(3) In these Regulations, “scheme” means a transfer scheme in relation to land under paragraph 1 or 2 of Schedule 1 to the Academies Act 2010.

Duties on transferor in respect of title to the land

2.—(1) The transferor under a scheme must provide to the Secretary of State at the Secretary of State’s request—

(a) copy title documents,

(b) details of—

(i) any current or foreseeable disputes, actions, claims or proceedings relating to the land to be transferred by or under the scheme,

(ii) the identity of any occupiers of any part of that land and the legal basis on which they occupy that land, and

(iii) any demarcation of the boundaries of that land and, where appropriate, their physical nature and condition,

(c) if less than the whole of the land in the transferor’s title is to be transferred—

(i) a plan showing the land to be transferred which enables that land to be identified clearly on the Ordnance Survey Map; and

(a) 2010 c. 32. Schedule 1 was substituted by section 63 of, and Schedule 14 to, the Education Act 2011 (c.21). Section 17(4) of the Academies Act 2010 requires section 13 of that Act (and therefore Schedule 1) to be read as if it was contained in the Education Act 1996 and “regulations” has the meaning given by section 579(1) of the 1996 Act.

(b) 1996 c. 56.

- (ii) a schedule of any rights and liabilities that will need to be created in the scheme to enable the land that is to be transferred to be used for the purposes for which it is to be transferred.
- (2) The reference in paragraph (1)(a) to “copy title documents” means—
- (a) where the land to be transferred is registered land—
 - (i) an official copy of the individual register relating to the land to be transferred and an official copy of the title plan relating to that land, and
 - (ii) a schedule of all the rights and liabilities which benefit and burden the land to be transferred (unless they are already apparent from the individual register of title), and
 - (b) where the land to be transferred is unregistered land—
 - (i) an epitome of title,
 - (ii) copies of the deeds and documents referred to in the epitome of title, and
 - (iii) a schedule of all the rights and liabilities which benefit and burden the land to be transferred (unless they are already apparent from the epitome of title).
- (3) The reference in paragraph (2)(b) to the “epitome of title” means a list of deeds and documents which—
- (a) demonstrates a continuous history of the ownership of the legal and equitable interests in the land to be transferred and any incumbrances to which the land is subject, and
 - (b) commences with a deed or document which is at least 15 years old at the date the scheme is made and which deals with the ownership of the whole legal and equitable title to the land to be transferred.
- (4) The transferor under a scheme must provide the Secretary of State with such other documents as the Secretary of State may require in order to identify the extent of the land to be transferred under the scheme and all the rights and liabilities which benefit and burden the land to be transferred.
- (5) The transferor under a scheme must allow the Secretary of State or the Secretary of State’s representatives full and unrestricted access to the land to be transferred, for the purposes of carrying out surveys and inspections of that land.
- (6) In this regulation—
- “individual register” means the register referred to in rule 2 of the Land Registration Rules 2003(a);
 - “title plan” means the title plan referred to in rule 5(a) of the Land Registration Rules 2003.

Requisitions on title and registration of title

- 3.—**(1) The transferor under a scheme must provide a complete and accurate written response to any enquiries or requisitions on title raised before or after the scheme is made, by or on behalf of the Secretary of State, the transferee or the Chief Land Registrar(b).
- (2) The response must be provided within 21 days of the date on which the transferor under the scheme received the enquiry or requisition on title.
- (3) The transferor under a scheme must execute such instruments, deliver such certificates and do any other such things as are required under the Land Registration Act 2002(c) in order to enable the land to be registered in the name of the transferee.
- (4) Paragraphs (5) and (6) apply in relation to a scheme under which the transferor under the scheme is entitled to retain possession of any document relating to the title to any land being transferred.

(a) S.I. 2003/1417.

(b) The Chief Land Registrar is the person appointed under section 99 of the Land Registration Act 2002 (c. 9).

(c) 2002 c. 9.

(5) The transferor under the scheme is to be treated as having given to the transferee an acknowledgement in writing of the right of the transferee to—

- (a) the production of that document by the transferor, and
- (b) be given copies of that document by the transferor.

(6) Section 64 of the Law of Property Act 1925^(a) is to have effect as if the transferor under the scheme had given an acknowledgement in writing of the type referred to in subsection (1) of that section and as if that acknowledgement contained no expression of contrary intention.

12th July 2012

Jonathan Hill
Parliamentary Under Secretary of State
Department for Education

^(a) 1925 c. 20.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations contain provisions relating to the making of a transfer scheme in relation to land for the purposes of an Academy under paragraph 1 or 2 of Schedule 1 to the Academies Act 2010 (“the Act”), as substituted by section 63 of, and Schedule 14 to, the Education Act 2011.

Paragraph 1 of Schedule 1 enables the Secretary of State to make a scheme transferring to an Academy land used for the purposes of a school or 16 to 19 Academy that is no longer used for that school or 16 to 19 Academy or is about to be no longer so used. Paragraph 2 of Schedule 1 enables the Secretary of State to make a scheme transferring to an Academy land where a local authority holds a freehold or leasehold interest in the land and the land forms the whole or part of a site specified in a notification given to the Secretary of State under section 6A of the Education and Inspections Act 2006 or a notice published under section 7 of the Education and Inspections Act 2006 (invitation for proposals for establishment of new school).

Regulation 2 sets out the documents and other information relating to the land to be transferred that the transferor under a scheme has to give to the Secretary of State if asked. It also requires the transferor to allow access to the land for the purpose of carrying out surveys or inspections of the land.

Regulation 3 requires a transferor under the scheme to provide written responses to any enquiries or requisitions on title raised, to execute any instrument, deliver any certificates and to do any other thing required by the Land Registration Act 2002 in order for the land to be registered in the name of the transferee. It also provides that the transferor under a scheme is to be treated as having given an acknowledgement in writing of the right of the transferee to the production, and copies of, certain documents. Regulation 3(6) provides that section 64(1) of the Law of Property Act 1925 is to have effect in the manner described. Section 64(1) of the Law of Property Act 1925 provides that where a person retains possession of documents and gives an acknowledgement in writing of the right of another person to production and delivery of those documents that acknowledgement imposes certain obligations relating to the documents.

An Impact Assessment has not been prepared for these Regulations.

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