

**Changes to legislation:** School Standards and Framework Act 1998, Cross Heading: Disposal of land by governing body of foundation, voluntary or foundation special school is up to date with all changes known to be in force on or before 08 May 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) View outstanding changes

# SCHEDULES

## SCHEDULE 22

### DISPOSALS OF LAND IN CASE OF CERTAIN SCHOOLS AND DISPOSALS ON DISCONTINUANCE

#### Modifications etc. (not altering text)

- C1** Sch. 22 excluded (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), Sch. 1 para. 10(2)(c); S.I. 2010/1937, art. 2, Sch. 1

### PART I

#### FOUNDATION, VOLUNTARY AND FOUNDATION SPECIAL SCHOOLS [<sup>F1</sup>IN WALES]: DISPOSALS OF LAND

#### Textual Amendments

- F1** Words in Sch. 22 Pt. 1 heading inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 4 para. 3; S.I. 2007/935, art. 7(p) (with art. 8(5))

#### *Disposal of land by governing body of foundation, voluntary or foundation special school*

- 1 (1) [<sup>F1</sup>Subject to sub-paragraph (1A),] this paragraph applies to any disposal by the governing body of a foundation [<sup>F2</sup>or voluntary] school [<sup>F3</sup>in Wales] of—
- <sup>F4</sup>(a) any land acquired under a transfer under section 201(1)(a) of the <sup>M1</sup>Education Act 1996, or acquired under paragraph 2 of Schedule 3 or paragraph 16 of Schedule 6 [<sup>F5</sup>(including that provision as applied by any enactment)] or paragraph 5(4)(c) [<sup>F6</sup>or 5(4B)(d)] of this Schedule or under any regulations made under paragraph 5 of Schedule 8;
  - <sup>F7</sup>(aa) any land acquired under paragraph 7 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under that paragraph as applied by section 76(1) of that Act or under Part 3 of Schedule 4 to that Act;
  - (b) any land acquired from a foundation body;
  - <sup>F8</sup>(c) .....
  - (d) any land acquired, or enhanced in value, wholly or partly by means of any maintenance, special purpose or capital grant (within the meaning of Chapter VI of Part III of the <sup>M2</sup>Education Act 1996);
  - (e) any land acquired, or enhanced in value, wholly or partly by means of expenditure incurred for the purposes of the school and treated by the [<sup>F9</sup>local authority] as expenditure of a capital nature; or

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- (f) any land acquired, or enhanced in value, wholly or partly with the proceeds of disposal of any land acquired or enhanced in value as mentioned in any of paragraphs (a) to (e).

[<sup>F10</sup>(1A) This paragraph does not apply to any disposal which—

- (a) is made by the governing body of a foundation or foundation special school after the commencement of this sub-paragraph, and  
 (b) is a disposal to the trustees of the school made on the school becoming a school with a foundation [<sup>F11</sup>established otherwise than under this Act].]

(2) The governing body shall not make [<sup>F12</sup>any disposal to which this paragraph applies] without the written consent of the [<sup>F13</sup>Assembly].

(3) Where the governing body apply to the [<sup>F14</sup>Assembly] for [<sup>F15</sup>its] consent to any such disposal [<sup>F16</sup>and [<sup>F17</sup>the Assembly] decides to give that consent], [<sup>F17</sup>the Assembly] may do one or more of the following, namely—

- (a) require the land or any part of the land to be transferred to such local authority as [<sup>F17</sup>the Assembly] may specify, subject to the payment by that authority of such sum by way of consideration (if any) as [<sup>F17</sup>the Assembly] determines to be appropriate; and  
 (b) give the governing body, when the land or any part of the land is disposed of—  
 (i) a direction to pay, either to [<sup>F18</sup>the Assembly] or to such local authority as [<sup>F17</sup>the Assembly] may specify, the whole or any part of the proceeds of disposal; and  
 (ii) a direction as to the use to which the whole or any part of the proceeds of disposal should be put.

(4) More than one direction may be given under sub-paragraph (3)(b)(i) in relation to a disposal of land within sub-paragraph (1) where it is just to do so, in particular where the disposal involves the creation of a lease.

(5) Sub-paragraph (1)(e) shall not apply in the case of any expenditure incurred on or after the appointed day unless the authority—

- (a) prepared a statement in writing—  
 (i) containing details of the amount of the expenditure, the acquisition or works funded (or to be funded) by such expenditure, and the total cost (or estimated total cost) of that acquisition or those works, and  
 (ii) indicating that the expenditure was being treated by them as expenditure of a capital nature; and  
 (b) sent a copy of the statement to the governing body either before, or no later than 12 months after, the expenditure was incurred.

#### Textual Amendments

- F1** Words in Sch. 22 para. 1(1) inserted (7.6.2005) by Education Act 2005 (c. 18), s. 125(2), **Sch. 17 para. 2(2)(a)** (with s. 119)  
**F2** Words in Sch. 22 para. 1(1) substituted (W.) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(14)(a)(i)**; S.I. 2013/1800, **art. 3(j)**  
**F3** Words in Sch. 22 para. 1(1) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 4(2)(a)**; S.I. 2007/935, art. 7(p) (with art. 8(5))

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- F4** Words in Sch. 22 para. 1(1)(a) inserted (19.12.2002 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 118(2)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4
- F5** Words in Sch. 22 para. 1(1)(a) inserted (19.12.2002 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 118(2)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4
- F6** Words in Sch. 22 para. 1(1)(a) inserted (7.6.2005) by Education Act 2005 (c. 18), s. 125(2), **Sch. 17 para. 2(2)(b)** (with s. 119)
- F7** Sch. 22 para. 1(1)(aa) inserted (W.) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(14)(a)(ii)**; S.I. 2013/1800, art. 3(j)
- F8** Sch. 22 para. 1(1)(c) repealed (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 4 para. 4(2)(b), **Sch. 18 Pt. 6**; S.I. 2007/935, art. 7(p)(q) (with art. 8(5))
- F9** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F10** Sch. 22 para. 1(1A) inserted (7.6.2005) by Education Act 2005 (c. 18), s. 125(2), **Sch. 17 para. 2(3)** (with s. 119)
- F11** Words in Sch. 22 para. 1(1A)(b) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 4(3)**; S.I. 2007/935, art. 7(p) (with art. 8(5))
- F12** Words in Sch. 22 para. 1(2) substituted (7.6.2005) by Education Act 2005 (c. 18), s. 125(2), **Sch. 17 para. 2(4)** (with s. 119)
- F13** Word in Sch. 22 para. 1(2) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 4(4)**; S.I. 2007/935, art. 7(p) (with art. 8(5))
- F14** Word in Sch. 22 para. 1(3) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 4(4)**; S.I. 2007/935, art. 7(p) (with art. 8(5))
- F15** Word in Sch. 22 para. 1(3) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 4(5)(a)**; S.I. 2007/935, art. 7(p) (with art. 8(5))
- F16** Words in Sch. 22 para. 1(3) inserted (7.6.2005) by Education Act 2005 (c. 18), s. 125(2), **Sch. 17 para. 2(5)** (with s. 119)
- F17** Words in Sch. 22 para. 1(3) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 4(5)(b)**; S.I. 2007/935, art. 7(p) (with art. 8(5))
- F18** Words in Sch. 22 para. 1(3) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 4(5)(c)**; S.I. 2007/935, art. 7(p) (with art. 8(5))

#### Marginal Citations

**M1** 1996 c. 56.

**M2** 1996 c. 56.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)