

Changes to legislation: Academies Act 2010, Cross Heading: Restriction on disposal of land held by local authority for purposes of a school or 16 to 19 Academy is up to date with all changes known to be in force on or before 06 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

[^{F1}SCHEDULE 1

ACADEMIES: LAND

Textual Amendments

- F1** Sch. 1 substituted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 14 para. 1](#); S.I. 2012/84, art. 3 (with art. 5)

PART 1

LAND HELD BY A LOCAL AUTHORITY

Restriction on disposal of land held by local authority for purposes of a school or 16 to 19 Academy

- 4 (1) Sub-paragraph (2) applies if—
- a freehold or leasehold interest in land is held by a local authority,
 - the authority proposes to make a disposal in respect of the land, and
 - at any time in the period of eight years ending with the day on which the disposal is proposed to be made, the land was used wholly or mainly for the purposes of a school or a 16 to 19 Academy.
- (2) Unless the Secretary of State consents, the authority must not make the disposal.
- (3) Sub-paragraph (2) does not apply to a disposal made in pursuance of a contract made, or option granted, before 26 July 2002.
- (4) A disposal is not invalid only because it is made in contravention of sub-paragraph (2).
- (5) A person acquiring land, or entering into a contract to acquire it, is not to be concerned to enquire whether the consent required by sub-paragraph (2) has been given.
- 5 (1) This paragraph applies if a local authority has made a disposal in contravention of paragraph 4(2).
- (2) In a case where the authority has made a disposal within the meaning of this Schedule because it has granted an option (see paragraph 22(5)(d)), the Secretary of State may by notice served on the option holder repudiate the option at any time before it is exercised.
- (3) In a case where the authority has made a disposal within the meaning of this Schedule because it has entered into a contract to dispose of land (see paragraph 22(5)(c)), the

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Secretary of State may by notice served on the other party to the contract repudiate it at any time before a conveyance of the land is executed.

- (4) A repudiation under sub-paragraph (2) or (3) has effect—
 - (a) when the notice is served, and
 - (b) as if the repudiation were made by the authority.
- (5) In a case where the land has been transferred (whether or not in pursuance of an option or contract falling within sub-paragraph (2) or (3)) the Secretary of State may purchase the land compulsorily.
- (6) The Acquisition of Land Act 1981 applies in relation to the compulsory purchase of land under sub-paragraph (5).
- (7) On completion of a compulsory purchase of land under sub-paragraph (5) the Secretary of State must transfer it to a person concerned with the running of an Academy.
- (8) If the Secretary of State acquires land by compulsory purchase under sub-paragraph (5), the Secretary of State is entitled to recover from the authority an amount equal to the aggregate of—
 - (a) the compensation agreed or awarded in respect of the purchase,
 - (b) any interest payable by the Secretary of State in respect of the compensation, and
 - (c) the costs and expenses incurred by the Secretary of State in connection with the making of the compulsory purchase order.
- (9) The authority must provide the Secretary of State with such information as the Secretary of State may require it to provide in connection with a compulsory purchase under sub-paragraph (5).]

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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):

- Sch. 1 para. 9A and cross-heading inserted by [2023 c. 55 s. 235\(1\)](#)