

Changes to legislation: Academies Act 2010, Part 2 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 2

LAND HELD BY A GOVERNING BODY, A FOUNDATION BODY OR TRUSTEES

Power of Secretary of State to make direction where Academy order made

- 10 (1) This paragraph applies where—
- (a) an Academy order has effect in respect of—
 - (i) a voluntary school,
 - (ii) a foundation school, or
 - (iii) a foundation special school, and
 - (b) the school is to be converted into an [^{F2} Academy school].
- (2) The Secretary of State may make one or more of the directions listed in subparagraph (3) in respect of publicly funded land which is held for the purposes of the school by—
- (a) the governing body of the school,
 - (b) the foundation body of the school, or
 - (c) the trustees of the school.
- (3) The directions are—
- (a) that the land or any part of the land be transferred to such local authority as the Secretary of State may specify, subject to the payment by that authority of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate;
 - (b) that the governing body, the foundation body or the trustees, as the case may be, pay, either to the Secretary of State or to such local authority as the Secretary of State may specify, the whole or any part of the value, as at the date of the direction, of the whole or any part of the land;
 - (c) that the land or any part of the land be transferred to a person concerned with the running of the [^{F3} Academy school], subject to the payment by that person or the Secretary of State of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate.

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- (4) Unless otherwise specified in the direction, any transfer of land pursuant to sub-paragraph (3) is to take place on the conversion date.

Textual Amendments

- F2** Words in [Sch. 1 para. 10\(1\)\(b\)](#) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 13 para. 5\(2\)\(a\)](#); S.I. 2012/924, art. 2
- F3** Words in [Sch. 1 para. 10\(3\)\(c\)](#) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 13 para. 5\(2\)\(b\)](#); S.I. 2012/924, art. 2

Power of Secretary of State to make direction on discontinuance of foundation, voluntary or foundation special school

- 11 (1) This paragraph applies where the Secretary of State has received an application under sub-paragraph (2), (3) or (4ZA) of paragraph 5 of Schedule 22 to SSFA 1998 (application in respect of land held by governing body, foundation body or trustees on discontinuance of school).
- (2) The Secretary of State may direct that the land or any part of the land to which the application relates be transferred to a person concerned with the running of an Academy, subject to the payment by that person or the Secretary of State of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate.

Power of Secretary of State to make direction on proposed disposal of school land

- 12 (1) This paragraph applies where the Secretary of State has received a notice under any of the following paragraphs of Schedule 22 to SSFA 1998—
- (a) paragraph A1A(4) (notice by governing body of intention to dispose of publicly funded land);
 - (b) paragraph A7A(4) (notice by foundation body of intention to dispose of publicly funded land);
 - (c) paragraph A13A(6) (notice by trustees of intention to dispose of publicly funded land);
 - (d) paragraph A23(4)(b) (notice by local authority of intention to apply for transfer order in respect of publicly funded land).
- (2) The Secretary of State may direct that the land or any part of the land to which the notice relates be transferred to a person concerned with the running of an Academy, subject to the payment by that person or the Secretary of State of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate.

Transfer of land and other property on dissolution of governing body

- 13 (1) This paragraph applies where a governing body of a school are to be dissolved by virtue of paragraph 5(2)(a)(iv) of Schedule 1 to EA 2002 (dissolution of governing body on conversion date following Academy order).
- (2) Where a governing body are so dissolved, the following are transferred as provided in sub-paragraph (3)—

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- (a) all publicly funded land which is held by the governing body for the purposes of the school and which is not transferred on the conversion date (pursuant to a direction under paragraph 10 or otherwise);
 - (b) all other property of the governing body which is used or held for the purposes of the school;
 - (c) all rights and liabilities of the governing body (including rights and liabilities in relation to staff) which were acquired or incurred for the purposes of the school.
- (3) The land, other property, rights and liabilities are, on the conversion date, transferred to, and by virtue of this Act vest in—
- (a) the local authority that maintained the school, or
 - (b) such person concerned with the running of an [F4 Academy school] as the Secretary of State directs before the conversion date.
- (4) Sub-paragraph (2) does not apply to—
- (a) any land for which provision has been made for payment under paragraph 10(3)(b),
 - (b) any land or other property which is held by the governing body on trust for the purposes of the school,
 - (c) any property or rights to which section 7 (transfer of school surpluses) applies, or
 - (d) unless the Secretary of State otherwise directs before the conversion date, any liabilities of the governing body in respect of a loan made to the governing body.
- (5) Subject to sub-paragraphs (6) and (7), a governing body who are to be dissolved as mentioned in sub-paragraph (1) may transfer any land or other property which is held by them on trust for the purposes of the school to any person to hold such land or other property on trust for purposes connected with the provision of education in schools.
- (6) Sub-paragraph (5) does not apply to land in respect of which a direction has been made under paragraph 10(3) (a) or (c).
- (7) Sub-paragraph (5) does not apply to land or other property held by a governing body on trust for the purposes of the school in a case where any other persons (“other trustees”) also hold land or other property on trust for the purposes of the school.
- (8) In a case mentioned in sub-paragraph (7), the land or other property held on trust by the governing body is, on the conversion date, transferred to, and by virtue of this Act vests in, the other trustees.
- (9) If any doubt or dispute arises as to the persons to whom land or other property is transferred under sub-paragraph (8), it is to be treated as so transferred to such persons as the Secretary of State directs.]

Textual Amendments

- F4** Words in [Sch. 1 para. 13\(3\)\(b\)](#) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\)](#), [Sch. 13 para. 5\(3\)](#); [S.I. 2012/924, art. 2](#)

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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\(1\)](#)