

Changes to legislation: Academies Act 2010, Part 3 is up to date with all changes known to be in force on or before 09 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 3

LAND HELD FOR THE PURPOSES OF AN ACADEMY

Notice in relation to certain land held for the purposes of an Academy

- 14 (1) This paragraph applies to land—
- (a) that is held for the purposes of an Academy, and
 - (b) that has been acquired or enhanced in value wholly or partly by payments made by or on behalf of—
 - (i) a local authority, or
 - (ii) the Secretary of State.
- This is subject to sub-paragraph (2).
- (2) If a leasehold interest in land is held for the purposes of a new Academy, this paragraph does not apply to—
- (a) that or any other leasehold interest in the land, or
 - (b) a freehold interest in the land.
- (3) An Academy is a new Academy for the purposes of sub-paragraph (2) if, by virtue of section 9(1)(a) (new educational institutions), the duty in section 9(2) (impact on other schools etc) applied when the Secretary of State was deciding whether to enter into Academy arrangements in relation to it.
- (4) In the case of land to which this paragraph applies that has been acquired or enhanced in value wholly or partly by payments made by or on behalf of a local authority, the authority may serve a notice under sub-paragraph (6).
- (5) In the case of land to which this paragraph applies that has been acquired or enhanced in value wholly or partly by payments made by or on behalf of the Secretary of State, the Secretary of State may serve a notice under sub-paragraph (6).
- (6) A notice under this sub-paragraph is a notice that the land is publicly funded land for the purposes of this Schedule.
- (7) A notice under sub-paragraph (6) must be served—

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- (a) on the person holding the land (subject to sub-paragraph (8)),
 - (b) within the period of six months beginning with the date on which the payments were made, or, if there is more than one such date, the latest of those dates.
- (8) Where the land is vested in the official custodian for charities in trust for a charity, a notice under sub-paragraph (6) must be served—
- (a) on the charity, if the charity is a corporate charity;
 - (b) on the persons having the general control and management of the administration of the charity, in any other case.

*Power of Secretary of State to make direction on
educational institution ceasing to be an Academy*

- 15 (1) This paragraph applies if—
- (a) an educational institution ceases to be an Academy, and
 - (b) immediately before it does so, publicly funded land is held by a person for the purposes of the Academy.
- (2) Sub-paragraph (1)(a) applies whether or not, on the educational institution ceasing to be an Academy, it simultaneously ceases to function as an educational institution.
- (3) The Secretary of State may make one or more of the following directions—
- (a) a direction 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) a direction that the person holding the land 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) a direction that the land or any part of the land 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;
 - (d) a direction that the land or any part of the land be transferred to the governing body, foundation body or trustees of a school, subject to the payment by that body or trustees (as the case may be) or the Secretary of State of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate.

*Termination of occupation by Academy of land held by trustees: notice
of termination and power of Secretary of State to make direction*

- 16 (1) This paragraph applies if—
- (a) land has been held for the purposes of a maintained school by the trustees of the school,
 - (b) the land is held by the trustees for the purposes of an Academy, and
 - (c) the termination of the Academy's occupation of the land would have the result that it was not reasonably practicable for the Academy to continue to be conducted at its existing site.

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- (2) A notice given by the trustees to the Academy proprietor that purports to terminate the Academy's occupation of the land is not effective unless—
 - (a) the period of notice is reasonable, having regard to the length of time that it would take to terminate the Academy arrangements, and in any event is not less than two years, and
 - (b) a copy of the notice is given to the Secretary of State and the local authority by which the school was maintained at the same time as the notice is given to the proprietor.
- (3) Where the trustees give, at the same (or substantially the same) time, notices purporting to terminate an Academy's occupation of two or more pieces of land held by the trustees for the purposes of the Academy, then for the purpose of determining whether sub-paragraph (1)(c) applies in relation to any of those pieces of land, regard may be had to the combined effect of terminating the Academy's occupation of both or all of them.
- (4) If a question arises as to whether the termination of an Academy's occupation of any land would have the result mentioned in sub-paragraph (1)(c) (including a question as to whether sub-paragraph (3) applies in any particular circumstances), it is to be determined by the Secretary of State.
- (5) Sub-paragraph (6) applies where a notice that is effective to terminate an Academy's occupation of land relates to publicly funded land.
- (6) The Secretary of State may make one or more of the following directions—
 - (a) a direction 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) a direction that the trustees 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) a direction that the land or any part of the land 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;
 - (d) a direction that the land or any part of the land be transferred to the governing body, foundation body or trustees of a school, subject to the payment by that body or trustees (as the case may be) 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 Academy land

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- (1) This paragraph applies to a disposal of publicly funded land that is held by a person (“P”) for the purposes of an Academy.
 - (2) P must give the Secretary of State notice of P's intention to dispose of the land.
 - (3) In determining whether, and how, to give notice to the Secretary of State under sub-paragraph (2), P must have regard to any guidance given from time to time by the Secretary of State.

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- (4) On receipt of the notice, the Secretary of State must—
- (a) decide whether to make a direction under sub-paragraph (7) in respect of the land specified in the notice, and
 - (b) notify P of that decision.
- (5) P may not dispose of the land until P has been notified of the Secretary of State's decision.
- (6) If the Secretary of State decides to make a direction in respect of the land, P may not dispose of the land except in accordance with the direction.
- (7) The Secretary of State may make one or more of the following directions—
- (a) a direction 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 local authority of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate;
 - (b) a direction that P 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) a direction that the land or any part of the land 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;
 - (d) in the case of playing field land, a direction that the disposal is not to be made.
- (8) In this paragraph—
- (a) “playing field land” means land in the open air which is provided for the purposes of physical education or recreation, other than any land falling within a description prescribed under section 77(7) of SSFA 1998;
 - (b) references to a disposal of land include references to a change of use of the land in cases where the land is no longer to be used for the purposes of an Academy.]

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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\(1\)](#)