

**Changes to legislation:** Academies Act 2010, Part 4 is up to date with all changes known to be in force on or before 05 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

### [<sup>F1</sup>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 4

##### GENERAL

###### *Directions under this Schedule: general*

- 18 (1) Where a transfer pursuant to a direction under this Schedule relates to registered land, it is the duty of the transferor—
- (a) to execute any such instrument under the Land Registration Act 2002,
  - (b) to deliver any such certificate under that Act, and
  - (c) to do such other things under that Act,
- as the transferor would be required to execute, deliver or do in the case of a transfer by agreement between the transferor and the transferee.
- (2) A direction under this Schedule may include such incidental, consequential, supplemental and transitional provision as the Secretary of State thinks is appropriate for giving it full effect.

###### *Disapplication of rule against perpetuities*

- 19 (1) Where—
- (a) land is transferred for no consideration for the purposes of an Academy, and
  - (b) the person who transferred the land is granted an option to make a re-acquisition of the land (subject to whatever conditions),
- the rule against perpetuities does not apply to the option.
- (2) Sub-paragraph (1) does not apply to an option granted before 26 July 2002.

###### *Disapplication of other Acts*

- 20 (1) Where a lease is granted or transferred to a person for the purposes of an Academy on or after 26 July 2002, section 153 of the Law of Property Act 1925 (enlargement of leases granted for no rent etc) does not apply to permit that person to enlarge the term under the lease.

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- (2) Subsections (2) and (2A) of section 123 of the Local Government Act 1972 (disposals of land by principal councils) do not apply to a disposal of land to a person for the purposes of an Academy.

#### *Regulations*

- 21 (1) The Secretary of State may make regulations containing such incidental, consequential, supplemental and transitional provisions as the Secretary of State thinks are appropriate in consequence of this Schedule or for giving it full effect.
- (2) Regulations under sub-paragraph (1) about transfer schemes may in particular include provision—
- (a) requiring a person to be appointed by the Secretary of State in connection with the proposed making of a scheme;
  - (b) requiring the appointed person to identify the land, rights and liabilities to be transferred by or under a scheme;
  - (c) requiring a transferor under a scheme to provide the appointed person with such documents as may be required in order to identify the land, rights and liabilities to be transferred by or under the scheme;
  - (d) requiring a transferor under a scheme to execute such instruments, deliver such certificates and do any other such things as are required by the Land Registration Act 2002 in order to transfer the land;
  - (e) treating a transferor under a scheme as having given acknowledgement in writing of the rights to production of documents.
- (3) Regulations under sub-paragraph (1) about land held by a local authority may in particular include provision—
- (a) that consent under paragraph 4 (proposed disposal of school land) is to be sought in a specified way;
  - (b) that information is to be given under paragraph 9 (duty to inform Secretary of State of proposed change of use of school land) in a specified way.
- (4) Regulations under sub-paragraph (1) about the transfer of land, other property and rights and liabilities under paragraph 13 (transfer of land and other property on dissolution of governing body) may in particular include provision about the production of documents, execution of instruments, delivery of certificates and any other related matters.

#### *Interpretation*

- 22 (1) A dwelling-house used for occupation by a person employed to work at an educational institution is to be treated for the purposes of this Schedule as used for the purposes of the educational institution.
- (2) In this Schedule—
- “foundation body”, in relation to a school, has the same meaning as in SSFA 1998 (see section 21(4) of that Act);
- “trustees”, in relation to a school, means any person (other than the governing body) holding property on trust for the purposes of the school.
- (3) In this Schedule, “publicly funded land” means—

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- (a) in relation to land held by a governing body, land falling within any of paragraphs (a) to (i) of paragraph A1(1) of Schedule 22 to SSFA 1998 (disposals of school land on discontinuance etc);
  - (b) in relation to land held by a foundation body, land falling within any of paragraphs (a) to (h) of paragraph A7(1) of that Schedule;
  - (c) in relation to land held by trustees, other than land held for the purposes of an Academy, land falling within sub-paragraph (1), (2) or (3) of paragraph A13 of that Schedule;
  - (d) in relation to land held for the purposes of an Academy—
    - (i) land acquired from a governing body, foundation body or trustees that was, at the time of the acquisition, publicly funded land within the meaning of paragraph (a), (b) or (c);
    - (ii) land held by trustees for the purposes of an Academy which was previously held by the trustees for the purposes of a maintained school and which, at the time it was held for the purposes of a maintained school, was publicly funded land within the meaning of paragraph (c);
    - (iii) land acquired from a local authority;
    - (iv) land in relation to which a notice has been served under paragraph 14;
    - (v) land acquired from a person concerned with the running of an Academy that was, at the time of the acquisition, publicly funded land within the meaning of sub-paragraphs (i) to (iv) or this sub-paragraph.
- (4) References in this Schedule to a transfer or disposal of land are to the transfer or disposal of a freehold or leasehold interest in the land or to the grant of a lease in respect of the land.
- (5) References in this Schedule to a disposal of land include references to—
- (a) a compulsory disposal,
  - (b) in the case of any premises held under a tenancy to which Part 2 of the Landlord and Tenant Act 1954 applies, the termination of the tenancy under that Part,
  - (c) entering into a contract to dispose of land, and
  - (d) granting an option to acquire a freehold or leasehold interest in land.
- (6) Where—
- (a) a person (A) holds a freehold or leasehold interest in land from which a leasehold interest has been granted to another person (B), and
  - (b) B is concerned with the running of an Academy,
- for the purposes of this Schedule both A and B are to be treated as holding land for the purposes of an Academy.
- (7) References in this Schedule to a lease include references to a sub-lease.]

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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\(1\)](#)