



# Academies Act 2010

## 2010 CHAPTER 32

### *Conversion of schools into Academies*

#### **8 [F1Transfer schemes: other property, rights and liabilities]**

(1) This section applies if—

- (a) an Academy order has effect in respect of a school, and
- (b) the school is to be converted into an Academy.

[F2(2) The Secretary of State may make a scheme (a “transfer scheme”) in relation to—

- (a) property used or held for the purposes of the school by a local authority or the school's governing body, and
- (b) rights and liabilities (including rights and liabilities in relation to staff) of the local authority or the governing body which were acquired or incurred for the purposes of the school.]

(3) A [F3transfer scheme] may not make provision in relation to—

- (a) land, or rights or liabilities in respect of land (see Schedule 1), or
- (b) property or rights to which section 7 applies.

(4) A [F3transfer scheme] may provide for the transfer of property, rights and liabilities to [F4a person concerned with the running of the Academy].

(5) A [F3transfer scheme] may—

- (a) create rights, or impose liabilities, in relation to property, rights or liabilities transferred by virtue of the scheme;
- (b) provide for anything done by or in relation to the current owner in connection with any property, rights or liabilities transferred by the scheme to be treated as done, or to be continued, by or in relation to the transferee;
- (c) apportion property, rights and liabilities;
- (d) make provision about the continuation of legal proceedings.

(6) The things that may be transferred by a [F3transfer scheme ] include—

- (a) property, rights and liabilities that could not otherwise be transferred;

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**Changes to legislation:** Academies Act 2010, Section 8 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

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- (b) property acquired, and rights and liabilities arising, after the making of the scheme.
- (7) A transfer by virtue of a [F3transfer scheme] does not affect the validity of anything done by or in relation to the current owner before the transfer takes effect.
- (8) A [F3transfer scheme] may include incidental, consequential, supplemental and transitional provision.
- (9) In this section “ the current owner ” means the person by whom the property is held, or in whom the rights or liabilities are vested, immediately before the transfer to be effected by a [F3transfer scheme] takes effect.
- (10) A transfer made by virtue of a [F3transfer scheme] is binding on all persons even if, apart from this subsection, it would have required the consent or concurrence of any person.

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#### Textual Amendments

- F1** S. 8 heading substituted (1.2.2012) by [Education Act 2011 \(c. 21\)](#) , **ss. 59(5)** , 82(3) ; S.I. 2012/84 , art. 3
- F2** S. 8(2) substituted (1.2.2012) by [Education Act 2011 \(c. 21\)](#) , **ss. 59(2)** , 82(3) ; S.I. 2012/84 , art. 3
- F3** Words in s. 8(3)-(10) substituted (1.2.2012) by [Education Act 2011 \(c. 21\)](#) , **ss. 59(3)** , 82(3) ; S.I. 2012/84 , art. 3
- F4** Words in s. 8(4) substituted (1.2.2012) by [Education Act 2011 \(c. 21\)](#) , **ss. 59(4)** , 82(3) ; S.I. 2012/84 , art. 3
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#### Commencement Information

- I1** S. 8 in force at 29.7.2010 by [S.I. 2010/1937](#) , art. 2 , **Sch. 1**

**Changes to legislation:**

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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\(1\)](#)