



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 12

MISCELLANEOUS

PROSPECTIVE

235 Transfer of land by local authorities

(1) In Schedule 1 to the Academies Act 2010 (Academies: land), after paragraph 9 insert—

“Compulsory transfer to trustees

- 9A (1) This paragraph applies where Conditions A to D are met.
- (2) Condition A is that a local authority make premises (“the new premises”) available to be used by an Academy school.
- (3) Condition B is that the new premises are made available as an alternative to premises (“the existing premises”) which have previously been used by—
- (a) the Academy school, or
 - (b) a maintained school, Academy or sixth form college that has been or is to be discontinued and that the Academy school replaces.
- (4) Condition C is that the existing premises are held on trust by a person or persons (“the trustees”) for the purposes of (as the case may be)—
- (a) the Academy school, or
 - (b) the discontinued maintained school, Academy or sixth form college.
- (5) Condition D is that the trustees—
- (a) having sold the existing premises, pay to the local authority a sum that—

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 235. (See end of Document for details)

- (i) is just, having regard to the value of the local authority's interest in the new premises, but
 - (ii) does not exceed the total of the proceeds of sale and any interest that has accrued to the trustees on those proceeds, or
- (b) if the local authority agree to accept the trustees' interest in the existing premises, transfer that interest to the local authority.
- (6) The local authority must transfer their interest in the new premises to the trustees to be held by them on trust for the purposes of the Academy school.
- (7) The local authority must pay to the trustees to whom the transfer is made their reasonable costs in connection with the transfer.
- (8) Any question relating to the duty in sub-paragraph (6) may, if not agreed by the local authority and the trustees, be referred by the local authority or the trustees to the adjudicator (see section 25 of the School Standards and Framework Act 1998).
- (9) The questions referred to in sub-paragraph (8) include in particular—
 - (a) the extent of the premises an interest in which is to be transferred by the local authority,
 - (b) whether a sum proposed by any person to be paid by the trustees as specified in sub-paragraph (5)(a) is just having regard to the value of the local authority's interest in the new premises,
 - (c) the amount of any interest that has accrued to the trustees on proceeds of sale as referred to in sub-paragraph (5)(a)(ii), and
 - (d) the identity of the trustees to or by whom a payment or transfer should be made.
- (10) The local authority and the trustees respectively must provide to the adjudicator any information the adjudicator may request from them for the purpose of exercising the functions the adjudicator has by virtue of this paragraph.
- (11) Any sum paid to the local authority as referred to in sub-paragraph (5)
 - (a) is to be treated for the purposes of section 14 of the School Sites Act 1841 (which relates to the sale or exchange of land held on trust for the purposes of a school) as a sum applied in the purchase of a site for the school, Academy or sixth form college referred to in sub-paragraph (3) (a) or (b).
- (12) In this paragraph, references to premises do not include playing fields.”
- (2) In section 25 of the School Standards and Framework Act 1998 (adjudicators), in subsection (2), after “2006” insert “or paragraph 9A of Schedule 1 to the Academies Act 2010”.
- (3) In Schedule 5 to that Act (adjudicators), in paragraph 5(1), after “2006” insert “or paragraph 9A of Schedule 1 to the Academies Act 2010”.
- (4) In Part 2 of Schedule 22 to that Act (maintained schools: disposals on discontinuance), in paragraph 5, after sub-paragraph (1A) insert—

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“(1B) This paragraph also does not apply where the school mentioned in subparagraph (1)(a) is (with or without other schools) to be replaced by an Academy school in circumstances where paragraph 9A(1) of Schedule 1 to the Academies Act 2010 applies.”

Commencement Information

II S. 235 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

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