
Changes to legislation: School Standards and Organisation (Wales) Act 2013, Cross Heading: Restrictions on disposal or use of land is up to date with all changes known to be in force on or before 19 April 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

SCHEDULE 4

IMPLEMENTATION OF PROPOSALS TO CHANGE CATEGORY OF SCHOOL

PART 3

TRANSFER OF LAND

Restrictions on disposal or use of land

- 35 (1) For the purposes of paragraphs 36 and 37 the procedure for becoming a school of another category is pending in relation to a school when it has been started by the governing body in relation to the school and not terminated.
- (2) That procedure is to be regarded as started in relation to a school on receipt by the local authority of notice of a meeting of the governing body at which a motion for a resolution to consult about proposals to change category is to be considered.
- (3) That procedure is to be regarded as terminated—
- (a) if the meeting is not held,
 - (b) if the meeting is held but the motion is not moved or, though the motion is moved, the resolution is not passed,
 - (c) if consultation is not carried out in accordance with section 48,
 - (d) if the proposals in respect of which consultation was carried out are not published in accordance with section 48,
 - (e) if the proposals are rejected by the Welsh Ministers under section 50 or by a local authority under section 51 or are withdrawn or if the governing body has determined not to implement them under section 53, or
 - (f) on the date of implementation of the proposals.

Commencement Information

II Sch. 4 para. 35 in force at 1.10.2013 by S.I. 2013/1800, art. 3(h)

- 36 (1) While the procedure for becoming a school of another category is pending in relation to a school, a local authority may not, without the consent of the Welsh Ministers—
- (a) dispose of any land used wholly or partly for the purposes of the school, or
 - (b) enter into a contract to dispose of such land.
- (2) Sub-paragraph (1) does not apply in relation to a disposal which is made in accordance with a contract entered into, or an option granted, before the procedure for becoming a school of another category was started in relation to the school.
- (3) Sub-paragraph (4) applies if—
- (a) proposals for becoming a school of another category are approved or the governing body has determined to implement them, and
 - (b) agreement is required to be reached under paragraph 2(1) of Schedule 10 to the Education Reform Act 1988 (identification of property, etc.) on any matter relating to any land to be transferred.

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- (4) The procedure for becoming a school of another category is not to be treated as terminated for the purposes of this paragraph in relation to that land until the date on which that matter is finally determined.
- (5) A disposal or contract is not invalid or void by reason only that it has been made or entered into in breach of this paragraph and a person acquiring land, or entering into a contract to acquire land, from a local authority is not to be concerned to enquire whether any consent required by this paragraph has been given.
- (6) This paragraph has effect despite anything in section 123 of the Local Government Act 1972 (general power to dispose of land) or in any other enactment; and the consent required by this paragraph is in addition to any consent required by subsection (2) of that section or by any other enactment.
- (7) In this paragraph—
- (a) references to disposing of land include granting or disposing of any interest in land, and
 - (b) references to entering into a contract to dispose of land include granting an option to acquire land or such an interest.

Commencement Information

I2 Sch. 4 para. 36 in force at 1.10.2013 by S.I. 2013/1800, art. 3(h)

- 37 (1) While the procedure for becoming a school of another category is pending in relation to a school, a local authority may not, without the consent of the Welsh Ministers, take any action in relation to any land of the authority used or held for the purposes of the school by which the land ceases to any extent to be so used or held.
- (2) Sub-paragraph (3) applies if in the case of any school—
- (a) proposals that a school become a school of another category are approved or the governing body have determined to implement them, and
 - (b) a local authority has, in relation to any land, taken action in breach of sub-paragraph (1).
- (3) The transfer of property provisions have effect as if, immediately before the implementation date, the property were used or held by the authority for the purposes for which it was used or held when the procedure for becoming a school of another category was started.
- (4) In this paragraph—
- (a) “the transfer of property provisions” means this Schedule and section 198 of, and Schedule 10 to, the Education Reform Act 1988, and
 - (b) the references to taking action include appropriating property for any purpose.

Commencement Information

I3 Sch. 4 para. 37 in force at 1.10.2013 by S.I. 2013/1800, art. 3(h)

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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):

- Pt. 3 Ch. 3A inserted by [2022 asc 1 Sch. 4 para. 29\(7\)](#)
- s. 1(9A) inserted by [2022 asc 1 Sch. 4 para. 29\(2\)\(a\)](#)
- s. 38(2)(ca) inserted by [2022 asc 1 Sch. 4 para. 29\(3\)\(a\)](#)
- s. 38(5)(ca) inserted by [2022 asc 1 Sch. 4 para. 29\(3\)\(b\)](#)
- s. 39(1)(ca) inserted by [2022 asc 1 Sch. 4 para. 29\(4\)](#)
- Sch. 2 para. 19(2)(c)(i) word inserted by [2022 asc 1 Sch. 4 para. 29\(12\)\(b\)](#)