



Education Act 1996

1996 CHAPTER 56

PART II

SCHOOLS MAINTAINED BY LOCAL EDUCATION AUTHORITIES

CHAPTER III

FUNDING OF VOLUNTARY SCHOOLS

Obligations of LEAs as regards new sites and buildings

60 Obligation of LEAs to provide new sites and buildings for controlled schools

- (1) In the case of a controlled school, the local education authority shall provide—
 - (a) any new site which is to be provided in addition to, or instead of, the school's existing site (or part of its existing site), and
 - (b) any buildings which are to form part of the school premises,
other than any site or buildings that persons other than the authority are under a duty to provide by virtue of proposals required to be implemented under section 45 (or, where a special agreement is in force in respect of the school, under that agreement).
- (2) Where a new site is provided for a school under this section, the local education authority shall convey their interest in the site, and in any buildings on the site which are to form part of the school premises, to the trustees of the school to be held on trust for the purposes of the school.
- (3) If any doubt or dispute arises as to the persons to whom the authority are required to make the conveyance, it shall be made to such persons as the Secretary of State thinks proper.
- (4) Where—
 - (a) an interest in premises which are to be used for the purposes of a school is conveyed under this section, and

Status: This is the original version (as it was originally enacted).

- (b) the conveyance is made to persons who possess, or are or may become entitled to, any sum representing proceeds of the sale of other premises which have been used for the purposes of the school,
those persons or their successors shall pay to the local education authority so much of that sum as the Secretary of State may determine to be just having regard to the value of the interest conveyed.
- (5) In subsection (4)(b) the reference to proceeds of the sale of other premises includes a reference to consideration for the creation or disposition of any kind of interest in other premises.
- (6) Any sum paid under subsection (4) shall be treated for the purposes of section 14 of the Schools 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.
- (7) The Secretary of State shall not make a determination under subsection (4) in respect of any property subject to a trust which has arisen under section 1 of the Reverter of Sites Act 1987 (right of reverter replaced by trust for sale) unless he is satisfied that steps have been taken to protect the interests of the beneficiaries under the trust.

61 Obligation of LEAs to provide new sites for aided and special agreement schools

- (1) In the case of an aided or special agreement school, the local education authority shall provide any new site—
 - (a) which is to be provided in addition to or instead of the school’s existing site (or part of its existing site), and
 - (b) which is not a site that persons other than the authority are under a duty to provide by virtue of proposals required to be implemented under section 45 or under a special agreement.
- (2) Where a new site is provided for a school under this section, the local education authority shall convey their interest in the site, and in any buildings on the site which are to form part of the school premises, to the trustees of the school to be held on trust for the purposes of the school.
- (3) If any doubt or dispute arises as to the persons to whom the authority are required to make the conveyance, it shall be made to such persons as the Secretary of State thinks proper.
- (4) Where—
 - (a) a new site is provided for a school under this section, and
 - (b) work is required to be done to the site for the purpose of clearing it or making it suitable for building purposes,
the local education authority and the governing body of the school may make an agreement providing for the making of such payments, or of such other adjustments of their respective rights and liabilities, as will secure that the cost of the work is borne by the authority.
- (5) Where—
 - (a) a new site is provided for a school under this section, and
 - (b) there are buildings on the site which are of value for the purposes of the school,
the local education authority and the governing body of the school may make an agreement providing for the making of such payments, or of such other adjustments

of their respective rights and liabilities, as appear to be desirable having regard to the governing body's duties under section 59 with respect to the school buildings.

- (6) Where it appears to the Secretary of State that provision for any payment or other adjustment ought to have been made under subsection (4) or (5) but has not been made, he may give directions providing for the making of such payment or other adjustment as he thinks proper.

62 Provisions supplementary to sections 60 and 61

- (1) In sections 60(1) and (2) and 61 "site" does not include playing fields but otherwise includes any site which is to form part of the premises of the school in question.
- (2) Where, after premises have been conveyed to the trustees of a school under section 60 or 61, a person acquires the premises or part of them from the trustees (whether compulsorily or otherwise), the Secretary of State may require the trustees or their successors to pay to the local education authority by whom the premises were conveyed so much of the compensation or purchase money paid in respect of the acquisition as he thinks just having regard—
- (a) to the value of the premises conveyed by the authority, and
 - (b) to any sums received by the authority in respect of the premises under section 60 or 61.
- (3) In subsection (2) "premises" includes any interest in premises.
- (4) Subsection (2) does not apply in the case of an institution which is, or has at any time been, within the further education sector.