

SCHEDULES

SCHEDULE 6

Section 39.

TRANSFER OF PREMISES WHERE VOLUNTARY SCHOOL CHANGES TO COUNTY SCHOOL

- 1 In connection with proposals by a local education authority under section 35(1) (b) for the maintenance as a county school of a school which is for the time being maintained by them as a voluntary school, they and the school's governing body may make an agreement for the transfer to the authority of any interest in the school premises which is held by any persons for the purposes of any trust deed relating to the school.
- 2 Such an agreement shall not take effect unless it has been approved by the Secretary of State.
- 3 The Secretary of State shall not approve such an agreement unless—
 - (a) he is satisfied that due notice of the agreement has been given to—
 - (i) any persons (other than the governing body) who have an interest in the school by virtue of a trust deed relating to it, and
 - (ii) any other persons who appear to him to be concerned; and
 - (b) he is satisfied that the execution of the agreement will effect the transfer of all interests necessary for the purpose of enabling the authority to maintain the school as a county school.
- 4 Before approving an agreement under this Schedule, the Secretary of State shall consider any representations made to him by or on behalf of any persons appearing to him to be concerned with the proposed transfer.
- 5 An agreement under this Schedule—
 - (a) may provide for the transfer to the authority, subject to any conditions, reservations and restrictions specified in the agreement, either of the whole of any such interest as is referred to in paragraph 1 or of a lesser interest in the premises, and
 - (b) may include such other provisions (whether relating to the consideration for the transfer or otherwise) as may be agreed upon between the authority and the governing body.
- 6 Where an agreement under this Schedule has been approved by the Secretary of State, the governing body may, whether or not the interest to be transferred under the agreement is vested in them, convey that interest to the authority.
- 7 Where a person other than the governing body has a right to the occupation or use of the school premises or any part of them for a particular purpose, no provision of an agreement under this Schedule shall affect that right unless he has consented to it.
- 8 In this Schedule “premises” includes a teacher's dwelling-house.