
Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Disposal of property held by governing body of maintained school on their dissolution is up to date with all changes known to be in force on or before 12 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

SCHEDULES

SCHEDULE 22

DISPOSALS OF LAND IN CASE OF CERTAIN SCHOOLS AND DISPOSALS ON DISCONTINUANCE

Modifications etc. (not altering text)

- C1** Sch. 22 excluded (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), Sch. 1 para. 10(2)(c); S.I. 2010/1937, art. 2, Sch. 1

PART II

MAINTAINED SCHOOLS: DISPOSALS ON DISCONTINUANCE

Disposal of property held by governing body of maintained school on their dissolution

- 7 (1) This paragraph applies in connection with the dissolution of the governing body of a maintained school by virtue of [^{F1}paragraph 5 of Schedule 1 to the Education Act 2002][^{F2}other than a dissolution by virtue of paragraph 5(2)(a)(iv) of that Schedule (dissolution following Academy order)].
- (2) Where a governing body are so dissolved—
- (a) all land or other property of the governing body which is used or held for the purposes of the school, and
 - (b) all rights and liabilities (including rights and liabilities in relation to staff) of the governing body subsisting immediately before the date of dissolution which were acquired or incurred for the purposes of the school,
- shall on the date of dissolution be transferred to, and by virtue of this Act vest in—
- (i) the [^{F3}local authority], or
 - (ii) one or more of the [^{F4}persons or bodies mentioned in sub-paragraph (2A)], if the [^{F5}appropriate authority] so directs before the date of dissolution.
- [^{F6}(2A) The persons and bodies are—
- (a) the governing body of a maintained school;
 - (b) the temporary governing body of a new school;
 - (c) in the case of the dissolution of a governing body of a maintained school in England, a person concerned with the running of an Academy.]
- (3) Sub-paragraph (2) does not apply to—
- (a) any land or other property for which provision has been made for transfer or payment under paragraph 5(4) or 6(2),
 - (b) any property of whatever nature which is held by the governing body on trust for the purposes of the school, or

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- (c) unless the [^{F7}appropriate authority] otherwise directs by order made before the date of dissolution, any liabilities of the governing body in respect of any loan made to the governing body.
- (4) Subject to sub-paragraph (5), a governing body who are to be dissolved as mentioned in sub-paragraph (1) may transfer any land or other property which is held by them on trust for the purposes of the school to any person to hold such land or other property on trust for purposes connected with the provision of education in maintained schools.
- (5) Sub-paragraph (4) does not apply to any land or other property so held by the governing body of a foundation, voluntary or foundation special school where any other persons also hold any property on trust for the purposes of the school; and any such land or other property shall on the date of dissolution be transferred to, and by virtue of this Act vest in, those persons.
- (6) If any doubt or dispute arises as to the persons to whom any land or other property within sub-paragraph (5) falls to be transferred under that sub-paragraph, it shall be treated as falling to be so transferred to such persons as the [^{F8}appropriate authority] thinks proper.

Textual Amendments

- F1** Words in Sch. 22 para. 7(1) substituted (1.10.2002 for E., 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 118(6)** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2005/2910, art. 4, Sch.
- F2** Words in Sch. 22 para. 7(1) inserted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 14 para. 15(2)**; S.I. 2012/84, art. 3 (with art. 5)
- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F4** Words in Sch. 22 para. 7(2)(ii) substituted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 14 para. 15(3)**; S.I. 2012/84, art. 3 (with art. 5)
- F5** Words in Sch. 22 para. 7(2)(ii) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 4 para. 11**; S.I. 2007/935, art. 7(p)
- F6** Sch. 22 para. 7(2A) inserted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 14 para. 15(4)**; S.I. 2012/84, art. 3 (with art. 5)
- F7** Words in Sch. 22 para. 7(3)(c) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 4 para. 11**; S.I. 2007/935, art. 7(p)
- F8** Words in Sch. 22 para. 7(6) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 4 para. 11**; S.I. 2007/935, art. 7(p)

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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):

- s. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)