



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART II

#### NEW FRAMEWORK FOR MAINTAINED SCHOOLS

### CHAPTER VII

#### MISCELLANEOUS AND SUPPLEMENTAL

#### *Disposals of land and on discontinuance*

#### **77 Control of disposals or changes in use of school playing fields.**

- (1) [<sup>F1</sup>Subject to subsections (2A) and (2B), except] with the consent of the Secretary of State, a body [<sup>F2</sup>or trustees] to whom this subsection applies shall not dispose of any playing fields—
- which are, immediately before the date of the disposal, used by a maintained school for the purposes of the school, or
  - which are not then so used but have been so used at any time within the period of 10 years ending with that date.

[<sup>F3</sup>(2) Subsection (1) applies to—

- a local authority;
- the governing body of a maintained school;
- a foundation body;
- the trustees of a foundation, voluntary or foundation special school.]

[<sup>F4</sup>(2A) Subsection (1) applies in the case of a disposal by the trustees of a foundation, voluntary or foundation special school, only if the disposal is of land falling within paragraph A13(1), (2) or (3) of Schedule 22.

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(2B) Subsection (1) does not apply—

- (a) to a disposal in pursuance of a transfer order under paragraph A23 of that Schedule,<sup>F5</sup> ...
- (b) to a disposal to which paragraph 5 or 6 of Schedule 22 (disposals on discontinuance) applies [<sup>F6</sup>or
- (c) to a disposal in pursuance of—
  - (i) a transfer scheme under paragraph 1 or 2 of Schedule 1 to the Academies Act 2010 (transfer to person concerned with running of Academy), or
  - (ii) a direction under paragraph 10 of Schedule 1 to that Act (direction to transfer to local authority or person concerned with running [<sup>F7</sup>of Academy school], where Academy order made).]

(3) [<sup>F8</sup>Subject to [<sup>F9</sup>subsection] (4A), except] with the consent of the Secretary of State, [<sup>F10</sup>a body or trustees to whom subsection (1) applies] shall not take any action (other than the making of a disposal [<sup>F11</sup>which falls within subsection (1) or is excluded from that subsection by subsection [<sup>F12</sup>(2B)(a), (b) or (c)]) which is intended or likely to result in a change of use of any playing fields—

- (a) which are, immediately before the date when the action is taken, used by a maintained school for the purposes of the school, or
- (b) which are not then so used but have been so used at any time within the period of 10 years ending with that date,

whereby the playing fields will be used for purposes which do not consist of or include their use as playing fields by such a school for the purposes of the school [<sup>F13</sup>, or by an [<sup>F14</sup>Academy school] for the purposes of the [<sup>F14</sup>Academy school]].

<sup>F15</sup>(4) .....

[<sup>F16</sup>(4A) Subsection (3) applies in relation to the trustees of a foundation, voluntary or foundation special school only if the playing fields in question are land falling within paragraph A13(1), (2) or (3) of Schedule 22.]

[<sup>F17</sup>(4B) On receiving an application for consent under subsection (1) or (3), the Secretary of State may direct that the playing fields, or any part of them, be transferred to a person concerned with the running of an [<sup>F18</sup>Academy school], subject to the payment by that person or the Secretary of State of such sum by way of consideration (if any) as the Secretary of State determines to be appropriate.]

(5) For the purposes of this section the Secretary of State's consent may be given in relation to a particular disposal or change of use or generally in relation to disposals or changes of use of a particular description, and in either case may be given subject to conditions.

(6) This section has effect despite anything in section 123 or 127 of the <sup>M1</sup>Local Government Act 1972 (general power to dispose of land) or in any other enactment; and any consent which a local authority are required to obtain by virtue of this section shall be in addition to any consent required by virtue of either of those sections.

(7) In this section—

[<sup>F19</sup>“local authority” includes—

- (a) a non-metropolitan district council for an area for which there is a county council, and
- (b) a parish council;]

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[<sup>F20</sup>“maintained school” includes a maintained nursery school;]

“playing fields” means land in the open air which is provided for the purposes of physical education or recreation, other than any prescribed description of such land.

- (8) For the purposes of this section any reference to a maintained school includes, in relation to any time falling before the appointed day, a reference to the school as—
- (a) a county, voluntary or maintained special school, or
  - (b) a grant-maintained or grant-maintained special school,
- within the meaning of the <sup>M2</sup>Education Act 1996.
- (9) Nothing in this section applies in relation to Wales.

#### Textual Amendments

- F1** Words in s. 77(1) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 18(2)(a)**; S.I. 2007/935, art. 7(p)
- F2** Words in s. 77(1) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 18(2)(b)**; S.I. 2007/935, art. 7(p)
- F3** S. 77(2) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 18(3)**; S.I. 2007/935, art. 7(p)
- F4** S. 77(2A)(2B) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 18(4)**; S.I. 2007/935, art. 7(p)
- F5** Word in s. 77(2B)(a) omitted (1.2.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 14 para. 18(2)(a)**; S.I. 2012/84, art. 3 (with art. 5)
- F6** S. 77(2B)(c) and word inserted (1.2.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 14 para. 18(2)(b)**; S.I. 2012/84, art. 3 (with art. 5)
- F7** Words in s. 77(2B)(c)(ii) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 10(2)(a)**; S.I. 2012/924, art. 2
- F8** Words in s. 77(3) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 18(5)(a)**; S.I. 2007/935, art. 7(p)
- F9** Word in s. 77(3) substituted (1.2.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 14 para. 18(3)(a)**; S.I. 2012/84, art. 3 (with art. 5)
- F10** Words in s. 77(3) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 18(5)(b)**; S.I. 2007/935, art. 7(p)
- F11** Words in s. 77(3) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 18(5)(c)**; S.I. 2007/935, art. 7(p)
- F12** Words in s. 77(3) substituted (1.2.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 14 para. 18(3)(b)**; S.I. 2012/84, art. 3 (with art. 5)
- F13** Words in s. 77(3) inserted (1.2.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 14 para. 18(3)(c)**; S.I. 2012/84, art. 3 (with art. 5)
- F14** Words in s. 77(3) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 10(2)(b)**; S.I. 2012/924, art. 2
- F15** S. 77(4) omitted (1.2.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 14 para. 18(4)**; S.I. 2012/84, art. 3 (with art. 5)
- F16** S. 77(4A) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 18(7)**; S.I. 2007/935, art. 7(p)
- F17** S. 77(4B) inserted (1.2.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 14 para. 18(5)**; S.I. 2012/84, art. 3 (with art. 5)
- F18** Words in s. 77(4B) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 10(2)(c)**; S.I. 2012/924, art. 2

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- F19** Words in s. 77(7) 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(10)**
- F20** Words in s. 77(7) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 4 para. 18(8)**; S.I. 2007/935, art. 7(p)

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**Modifications etc. (not altering text)**

- C1** S. 77(1) restricted (28.7.2000) by 2000 c. 21, s. 131, **Sch. 8 para. 9(3)** (with s. 150)
- C2** S. 77(1) excluded (26.7.2002) by Education Act 1996 (c. 56), Sch. 35A para. 10(4) (as inserted by Education Act 2002 (c. 32), ss. 65, 216, **Sch. 7 Pt. 1 para. 1** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**)
- C3** S. 77(1) excluded (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), **Sch. 1 para. 10(2)(b)**; S.I. 2010/1937, art. 2, Sch. 1
- C4** S. 77 modified (*temp.*) (1.2.1999) by S.I. 1999/1, **reg.2**

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**Commencement Information**

- I1** S. 77 wholly in force; s. 77 not in force at Royal Assent see s. 145(3); s. 77 except subsection (2)(b) in force at 1.10.1998 by S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**; s. 77(2)(b) in force at 1.2.1999 by S.I. 1998/3198, art. 2(2), **Sch.**

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**Marginal Citations**

- M1** 1972 c. 70.
- M2** 1996 c. 56.

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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\(4\)](#)