

Changes to legislation: Academies Act 2010, Part 1 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

SCHEDULES

[^{F1}SCHEDULE 1

ACADEMIES: LAND

Textual Amendments

- F1** Sch. 1 substituted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 14 para. 1](#); S.I. 2012/84, art. 3 (with art. 5)

PART 1

LAND HELD BY A LOCAL AUTHORITY

Transfer scheme where land ceases to be used for purposes of a school or 16 to 19 Academy

- 1 (1) The Secretary of State may make a scheme in relation to land if the requirements in sub-paragraph (2) are met.
- (2) The requirements are as follows—
- (a) a local authority holds a freehold or leasehold interest in the land when the scheme is made;
 - (b) at any time in the period of eight years ending with the day on which the scheme is made the land was used wholly or mainly for the purposes of a school or a 16 to 19 Academy;
 - (c) at the time the scheme is made the land is no longer used for the purposes of the school or 16 to 19 Academy mentioned in paragraph (b) or the Secretary of State thinks it is about to be no longer so used.
- (3) The scheme must meet the requirements in paragraph 3(1).

Transfer scheme following proposals for establishment of new Academy

- 2 (1) The Secretary of State may make a scheme in relation to land if the requirements in sub-paragraph (2) are met.
- (2) The requirements are as follows—
- (a) a local authority holds a freehold or leasehold interest in the land when the scheme is made;
 - (b) the land forms the whole or part of a site specified in a notification given to the Secretary of State under section 6A of EIA 2006, or a notice published under section 7 of that Act, (proposals for new schools) as a possible site for a new school;
 - (c) before making the scheme, the Secretary of State consulted the authority.

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(3) The scheme must meet the requirements in paragraph 3(1).

Transfer schemes under paragraphs 1 and 2: general

- 3 (1) These requirements must be met as regards a scheme under paragraph 1 or 2—
- (a) the scheme must provide for a transfer of the land or such part of it as is specified in the scheme;
 - (b) the scheme must specify whether the transfer is the transfer of a freehold or leasehold interest in the land or the grant of a lease in respect of the land (see paragraph 22(4));
 - (c) the transfer must be to a person who is specified in the scheme and is concerned with the running of an Academy;
 - (d) the transfer must be made to the transferee for the purposes of the Academy;
 - (e) in the case of a scheme under paragraph 2, the Academy must have been the subject of proposals under section 6A or 7 of EIA 2006;
 - (f) the scheme must make provision about the transfer to the transferee of any right or liability held by the local authority as holder of the land or specified part concerned.
- (2) In sub-paragraph (1) the reference to a right or liability—
- (a) includes a reference to a right or liability as a trustee, but
 - (b) excludes a reference to a liability in respect of the principal of or interest on a loan.
- (3) A scheme may include incidental, consequential, supplemental and transitional provision.
- (4) A scheme under paragraph 1 must be so expressed that it does not come into force while the land concerned is used for the purposes of the school or 16 to 19 Academy mentioned in paragraph 1(2)(b).
- (5) A scheme comes into force—
- (a) on the day it specifies for it to come into force, or
 - (b) on the day it otherwise identifies as the day for it to come into force.
- (6) When a scheme comes into force it has effect to transfer (in accordance with its provisions) the land, rights and liabilities to which it applies.
- (7) A transfer made by virtue of a scheme is binding on all persons even if, apart from this sub-paragraph, it would have required the consent or concurrence of any person.

*Restriction on disposal of land held by local authority
for purposes of a school or 16 to 19 Academy*

- 4 (1) Sub-paragraph (2) applies if—
- (a) a freehold or leasehold interest in land is held by a local authority,
 - (b) the authority proposes to make a disposal in respect of the land, and
 - (c) at any time in the period of eight years ending with the day on which the disposal is proposed to be made, the land was used wholly or mainly for the purposes of a school or a 16 to 19 Academy.
- (2) Unless the Secretary of State consents, the authority must not make the disposal.

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- (3) Sub-paragraph (2) does not apply to a disposal made in pursuance of a contract made, or option granted, before 26 July 2002.
- (4) A disposal is not invalid only because it is made in contravention of sub-paragraph (2).
- (5) A person acquiring land, or entering into a contract to acquire it, is not to be concerned to enquire whether the consent required by sub-paragraph (2) has been given.
- 5 (1) This paragraph applies if a local authority has made a disposal in contravention of paragraph 4(2).
- (2) In a case where the authority has made a disposal within the meaning of this Schedule because it has granted an option (see paragraph 22(5)(d)), the Secretary of State may by notice served on the option holder repudiate the option at any time before it is exercised.
- (3) In a case where the authority has made a disposal within the meaning of this Schedule because it has entered into a contract to dispose of land (see paragraph 22(5)(c)), the Secretary of State may by notice served on the other party to the contract repudiate it at any time before a conveyance of the land is executed.
- (4) A repudiation under sub-paragraph (2) or (3) has effect—
- (a) when the notice is served, and
 - (b) as if the repudiation were made by the authority.
- (5) In a case where the land has been transferred (whether or not in pursuance of an option or contract falling within sub-paragraph (2) or (3)) the Secretary of State may purchase the land compulsorily.
- (6) The Acquisition of Land Act 1981 applies in relation to the compulsory purchase of land under sub-paragraph (5).
- (7) On completion of a compulsory purchase of land under sub-paragraph (5) the Secretary of State must transfer it to a person concerned with the running of an Academy.
- (8) If the Secretary of State acquires land by compulsory purchase under sub-paragraph (5), the Secretary of State is entitled to recover from the authority an amount equal to the aggregate of—
- (a) the compensation agreed or awarded in respect of the purchase,
 - (b) any interest payable by the Secretary of State in respect of the compensation, and
 - (c) the costs and expenses incurred by the Secretary of State in connection with the making of the compulsory purchase order.
- (9) The authority must provide the Secretary of State with such information as the Secretary of State may require it to provide in connection with a compulsory purchase under sub-paragraph (5).

*Restriction on appropriation of land held by local
authority for purposes of a school or 16 to 19 Academy*

- 6 (1) Sub-paragraph (2) applies if—

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- (a) a freehold or leasehold interest in land is held by a local authority,
 - (b) the authority proposes to make an appropriation of the land under section 122 of the Local Government Act 1972, and
 - (c) at any time in the period of eight years ending with the day on which the appropriation is proposed to be made the land was used wholly or mainly for the purposes of a school or a 16 to 19 Academy.
- (2) Unless the Secretary of State consents, the authority must not make the appropriation.
- 7 (1) This paragraph applies if a local authority has made an appropriation in contravention of paragraph 6(2).
- (2) The Secretary of State may purchase the land concerned compulsorily.
- (3) Sub-paragraphs (6) to (9) of paragraph 5 apply to a compulsory purchase of land under sub-paragraph (2) as they apply to a compulsory purchase of land under paragraph 5(5).

Class consents

- 8 For the purposes of paragraphs 4(2) and 6(2), the consent of the Secretary of State—
- (a) may be given in relation to a particular case or class of case, and
 - (b) may be given subject to conditions.

*Duty to inform Secretary of State on proposed change of use
of land used for purposes of a school or 16 to 19 Academy*

- 9 (1) Sub-paragraph (2) applies if—
- (a) a freehold or leasehold interest in land is held by a local authority,
 - (b) the authority proposes to change the use of the land in such a way that (were the change made) the land would cease to be capable of use wholly or mainly for the purposes of a school or a 16 to 19 Academy, and
 - (c) at any time in the period of eight years ending with the date of the proposed change of use the land was used wholly or mainly for the purposes of a school or a 16 to 19 Academy.
- (2) The authority must inform the Secretary of State of the proposal.]

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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):

- Sch. 1 para. 9A and cross-heading inserted by [2023 c. 55 s. 235\(1\)](#)