

Changes to the requirements for disposing of school land under Schedule 1 to the Academies Act 2010 (formerly Schedule 35A disposals)

On 1 February 2012, Schedule 35A to the Education Act 1996 was repealed by section 63 (Schedule 14) of the Education Act 2011. The Act makes changes to incorporate a new Schedule 1 to the Academies Act 2010 which extends the requirement to obtain Secretary of State consent to dispose of community school land to include all land in which a freehold or leasehold interest is held by the local authority and which has been used for any school (including any Academy) in the last 8 years. It also removes the disapplication of the requirement for Secretary of State consent in the case of a transfer to an Academy for nil consideration. It is under the new Schedule 1 to the Academies Act 2010 that applications for consent to dispose of local authority land must now be made.

The Secretary of State will now consider the suitability of all such land for use by an existing or potential Academy (the legal term which includes Free Schools, University Technical Colleges and most Studio Schools). It is important that local authorities and others are fully aware that there should be no expectation that applications for consent will be approved, irrespective of previous decisions. This means that the decision making process will be more detailed than that described in previous guidance. We will keep all applicants informed of progress, and may contact you to request additional information.

Local authorities, governing bodies and dioceses should not commence any works on the site or anticipate any future proceeds of sale in anticipation of Secretary of State consent.

When applying for consent under the new Schedule 1 to the Academies Act 2010, the following details must be provided:

- i) details of the location (School name and full postal address) and exact area (in square metres) of the land to be disposed of or appropriated (provide maps and aerial/satellite imagery with the land in question clearly marked);
- ii) details of the total site area of the school or former school (in square metres);
- iii) the date (or proposed date) of the disposal or appropriation;
- iv) the reasons for the disposal or appropriation of the land and why the local authority does not think that it is covered by 'general consent';
- v) the educational history of the land in question - when was it last used for the purpose of a school? Will a school remain on adjacent land?
- vi) the planned future use of the site?
- vii) if any potential Academy, Free School, University Technical College or Studio School proposer has approached the local authority about using this land or other land in the area?

All applications for Schedule 1 consent (including the details specified in i-vii above) should be sent by email to: school.organisationpolicy@education.gsi.gov.uk.