 **Academies Property**

 **Information**

 **Note E**

# Land charges and restrictions

| This Property Information Note E explains how to apply for consent to take out a charge or restriction against your freehold title. |
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## Permitting a charge or restriction to be placed against your title

To ensure you use the right information and form, please also refer to:

* [the Introduction to academies property information notes;](http://www.education.gov.uk/aboutdfe/executiveagencies/efa/efafundingfinance/b00212638/efa-academies-capital/academypins)
* [Which Form;](http://www.education.gov.uk/aboutdfe/executiveagencies/efa/efafundingfinance/b00212638/efa-academies-capital/academypins)
* [The Glossary](http://www.education.gov.uk/aboutdfe/executiveagencies/efa/efafundingfinance/b00212638/efa-academies-capital/academypins).

A charge or restriction is considered to be a disposition and requires the prior consent of the Secretary of State.

The most common reason for this is when you have received an offer of a grant from one of the main sporting bodies with the condition that you will not sell the land or undermine the objects of the grant within a specific “clawback” period. To give effect to this, they often require a charge to be placed on your title. If you hold your land on a lease from the local authority and the charge or restriction relates to playing field land, refer to [local authority information](http://media.education.gov.uk/assets/files/pdf/b/bcif%202013-14%20guidance.pdf) as there are some General Consent Orders that might apply to your case.

Land held by an academy trust is not to be used as security under any circumstances. PIN E does not apply to charges required by funders of any lessee of your land, for example if you grant a lease to a commercial sports operator or nursery provider and they need to raise finance for their business.

## When to use Form E

[Form E](#FormE) should be used where you want to register a charge against the title of your property. Most applications for restrictions and land charges are simple; typically where you have been offered a grant from a Lottery application. The form does not, however, cover charges or restrictions on your title resulting from any form of loan for which you need to refer to the [Academies Financial Handbook](http://www.education.gov.uk/aboutdfe/executiveagencies/efa/efafundingfinance/b00212647/external-assurance/academies-financial-handbook).

If you have received approval to capital funding from the EFA or DfE, you will still need separate consent to register a charge against your title if this has not been expressly included in the terms of the consent.

#### Step 1 Decide which form to submit

Before accepting a grant, you should check Which Form? to confirm that [Form E](#FormE) is the most appropriate for your purpose. You may also find the Glossary helpful.

[Form E](#FormE) indicates the anticipated timescale for a decision from the Secretary of State. You should build the time to consider the implications of agreeing to a charge as well as the EFA’s assessment process into your programme.

Do not accept any grant or sign any agreements before you have received written confirmation of the Secretary of State’s decision.

#### Step 2 Take appropriate advice

You will need to take advice on the terms and conditions of any legal agreement to establish the possible impact on your financial position based on things like the length of the liability and the risk of the grant having to be repaid.

#### Step 2 Submit the application

Check that you have provided all the information requested and your Accounting Officer has signed the declaration. Applications submitted without this signature will not be assessed by the EFA and the indicative time shown for a decision will be delayed if you have not provided the information requested.

#### Step 3 Clarify any points in the application

Provide any further information we might request to clarify your application, so we can assess it as speedily as possible.



# Form E: Land charges and restrictions

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| FORM E **Permitting land charges and restrictions to be placed on your freehold title**  |
| 1 | Academy Name and address |  |
| Academy Address |  |
| 2 | Academy Trust Name |  |
| 3 | Unique Reference Number & UPIN |  |
| 4 | Contact details for further information: |  |
| Name |  |
| Position |  |
| Email address |  |
| Phone numbers |  |
| **Details of restriction/charge** |
| **5** | State if the request is for a restriction or a charge (or other)Who will the beneficiary be?How long will the restriction/charge be registered against your title? (and proposed expiry date) | Restriction | Charge |
| Name/organisation |
| YearsExpiring in [year] |
| **Risks and benefits** |
| 6 | Provide details of:* 1. Date of grant offer.
	2. What is the offer for?
	3. How much was/is the grant awarded for?
	4. What was the total project cost?
	5. Other financial contributions to the total project cost.
	6. Does the Academy still need to make any payments?
	7. Provide a copy of the grant offer and terms and conditions.
	8. Amount of clawback. (include if this is on a reducing basis during any clawback period)
	9. Who will be responsible for removing the charge/restriction at expiry and who will pay?
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| 7 | What will the impact of the proposal be on:* Open playing field land available per pupil Financial (capital and revenue)
* Pupil numbers
* Community usage
 |  |
| 8 | Name of legal firm having advised youConfirm the legal advisor has confirmed you have good title to enter into the proposed land transaction and that you have received any consents you need in addition to that of the Secretary of State for Education. |  |
| **Land descriptions** |
| 9 | Attach plan to standard required to enable registration at the Land Registry of the land for which a grant has been offered and underlies why you would like to register a charge against your title |
| **Accounting Officer Declaration***The signature of the Accounting Officer below signifies confirmation that the* Trust :1. Complies with its duties and responsibilities under the Academies Act your Funding Agreement and the Academies Financial Handbook,
2. Has taken appropriate legal, financial and property advice,
3. Is satisfied the transaction represents value for money,
4. Confirms that the transaction does not involve any loan,
5. Confirms that the transaction is affordable without recourse to EFA or DfE capital or revenue budgets.
6. Is satisfied about all safeguarding issues, and
7. The information provided is a truthful statement and has brought attention to anything that might be pertinent to the Secretary of State’s decision, even if not asked directly.

Signed Accounting OfficerNameDate |

Please email the completed form with all attachments to: ***academy.questions@education.gsi.gov.uk***

You will receive an acknowledgement within three working days of receipt of this form providing a unique reference number. We will then determine if you have provided all of the information that we need to make a decision. Once the information is complete, we aim to provide you with a decision in 10 working days, depending on the complexity of the proposal.