



**The Temporary School Land and Playing Fields General Disposal,
Appropriation and Change of Use Consent 2020**

1. The Secretary of State for Education, in exercise of the powers conferred on him by section 77(5) of the School Standards and Framework Act 1998 and paragraph 8 of Schedule 1 to the Academies Act 2010, hereby grants the following consent.
2. This consent comes into force on 12th August 2020 and may be cited as “The Temporary School Land and Playing Fields General Disposal, Appropriation and Change of Use Consent 2020”.
3. In this consent–

‘**the 1998 Act**’ means the School Standards and Framework Act 1998;

‘**the 2010 Act**’ means the Academies Act 2010;

‘**appropriation**’ means an appropriation of land falling within paragraph 6(1) of Schedule 1 to the 2010 Act;

‘**change of use**’ means any action (other than the making of a disposal) intended or likely to result in a change of use falling within section 77(3) of the 1998 Act;

‘**construction operations**’ has the same meaning as in section 105(1) of the Housing Grants, Construction and Regeneration Act 1996;

‘**coronavirus**’ means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

‘**disposal**’ means–

- (i) a disposal (as defined in section 142(6) of the 1998 Act) falling within section 77(1) of that Act or
- (ii) a disposal (as defined in paragraph 22 of Schedule 1 to the 2010 Act) falling within paragraph 4(1) of Schedule 1 to that Act;

'playing fields' has the same meaning as in section 77(7) of the 1998 Act;

'school' has the same meaning as in section 4 of the Education Act 1996 but, for the purposes of Schedule 2, also includes a 16 to 19 Academy (as defined in section 1B of the 2010 Act);

'school construction operations' means construction operations in, on, over or under land used or intended to be used for the purposes of a school.

4. Consent is hereby granted to–
 - (a) the disposal or change of use of playing fields to which section 77(1) or (3) of the 1998 Act applies where the disposal or change of use is of a description specified in Schedule 1;
 - (b) the disposal or appropriation of a freehold or leasehold interest in land to which sub-paragraph 4(2) or 6(2) of Schedule 1 to the 2010 Act applies, where the disposal or appropriation is of a class specified in Schedule 2.

5. Consent is granted subject to the condition that the body that proposes to dispose or change the use of or appropriate the land has submitted the following information to the Department for Education at: schoolsassets.capital@education.gov.uk:
 - (a) which class consent applies in the circumstances (schedule and paragraph number);
 - (b) a comprehensive explanation as to why the disposal, appropriation or change of use is covered by the class consent referred to;
 - (c) details of the location and area (in m²) of the land subject to the disposal, appropriation or change of use;
 - (d) in relation to schools or former schools, the total site area (in m²); and
 - (e) the date (or proposed date) of the disposal, appropriation or change of use.

Signed on behalf of the Secretary of State for Education

Signed: 

Alice Lakeman, Deputy Director – Head of CCU
Department for Education

Dated: 12.08.20

SCHEDULE 1

General consent to the disposal or change of use of playing fields under section 77(5) of the 1998 Act

1. The disposal or change of use of land that has not been used as playing fields by a maintained school for the purposes of the school within the last ten years except that it has since the date of this Order, for reasons relating to delays in school construction operations arising directly or indirectly as a result of the incidence and spread of coronavirus, been brought temporarily into use as playing fields for the purposes of a maintained school provided that such temporary use has lasted for not more than four years.
2. Subject to the conditions in paragraph 3, the temporary change of use for any period on or after the date of this Order of playing fields:
 - (a) which are used by a maintained school for the purposes of the school; or
 - (b) which are not so used but have been so used at any time within the last ten years.
3. The conditions for the purpose of paragraph 2 are that:
 - (a) the change of use is for reasons relating to delays in school construction operations arising directly or indirectly as a result of the incidence and spread of coronavirus; and
 - (b) the change of use lasts for no longer than four school terms; and
 - (c) the land continues to be used for the purpose of a school; and
 - (d) the land is returned at the end of the temporary period in its original condition or better.
4. Subject to the conditions in paragraph 5, the temporary disposal of a leasehold interest in playing fields:
 - (a) which are used by a maintained school for the purposes of the school; or
 - (b) which are not so used but have been so used at any time within the last ten years.

5. The conditions for the purpose of paragraph 4 are that:
 - (a) the disposal is for reasons relating to delays in school construction operations arising directly or indirectly as a result of the incidence and spread of coronavirus; and
 - (b) the term of the lease starts on or after the date of this Order and lasts for no longer than four school terms from the commencement of the lease; and
 - (c) during the term of the lease the land is used, whether as playing fields or otherwise, for the purposes of a school; and
 - (d) the rent under the lease is no more than a peppercorn; and
 - (e) the land is returned at the end of the lease in its original condition or better.

6. The disposal or change of use of playing fields that were used by a maintained school for the purposes of the school provided that they have not been so used for a period of ten years ending with the date of the proposed disposal or change of use other than for a period of no more than four years during which, for reasons relating to delays in school construction operations arising directly or indirectly as a result of the incidence and spread of coronavirus, they were used, whether as playing fields or otherwise, for the purposes of a school.

SCHEDULE 2

General consent to the disposal or appropriation of an interest in school land under paragraph 8 of Schedule 1 to the 2010 Act

1. The disposal or appropriation of a freehold or leasehold interest in land that has not been used wholly or mainly for the purposes of a school within the last eight years except that it has since the date of this Order, for reasons relating to delays in school construction operations arising directly or indirectly as a result of the incidence and spread of coronavirus, been brought temporarily into use wholly or mainly for the purposes of a school provided that such temporary use has not lasted for more than four years.
2. Subject to the conditions in paragraph 3, the temporary disposal of a leasehold interest in land that:
 - (a) is used wholly or mainly for the purposes of a school; or
 - (b) had been used wholly or mainly for the purposes of a school within the last eight years and had ceased to be so used.
3. The conditions for the purpose of paragraph 2 are that:
 - (a) the disposal is for reasons relating to delays in school construction operations arising directly or indirectly as a result of the incidence and spread of coronavirus; and
 - (b) the term of the lease starts on or after the date of this Order and lasts for no longer than four school terms from the commencement of the lease; and
 - (c) during the term of the lease the land is used for the purposes of a school; and
 - (d) the rent under the lease is no more than a peppercorn; and
 - (e) the land is returned at the end of the lease in its original condition or better.
4. The disposal or appropriation of a freehold or leasehold interest in land that was used wholly or mainly for the purposes of a school, provided that it has not been so used for a period of eight years ending on the day on which the disposal or appropriation is

proposed to be made other than for a period of no more than four years during which, for reasons relating to delays in school construction operations arising directly or indirectly as a result of the incidence and spread of coronavirus, it was used wholly or mainly for the purposes of a school.