



The Academies General Disposal and Appropriation Class Consent (No 4) 2023

1. The Secretary of State for Education, in exercise of the powers conferred by Part 1 of Schedule 1 to the Academies Act 2010, hereby grants the following consent.
2. This consent comes into force on 15 May 2023 and may be cited as “The Academies General Disposal and Appropriation Class Consent (No 4) 2023”.
3. In this consent:
 - ‘the 2010 Act’ means the Academies Act 2010;
 - ‘appropriation’ means an appropriation of land under section 122 of the Local Government Act 1972;
 - a ‘disposal’ includes entering into a contract to dispose of land, and granting an option to acquire a freehold or leasehold interest in land;
 - ‘playing fields’ has the same meaning as in section 77(7) of the School Standards and Framework Act 1998.
4. Consent is hereby granted to the disposal or the 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 description specified in the Schedule.
5. This consent is granted subject to the condition that the local authority disposing of or appropriating the land adheres to any relevant guidance published from time to time by the Secretary of State and provides the Secretary of State with:
 - a) details of the location and area (in square metres) of the land to be disposed of or appropriated;
 - b) details of the total site area (in square metres) of the school or former school;
 - c) the date or proposed date of the disposal or appropriation;
 - d) an explanation as to why the local authority thinks that the disposal or appropriation is covered by a class consent;

- e) a plan clearly identifying the area in question in relation to the whole of the school site; and
 - f) where the disposal or appropriation is at an operating school, the views of the headteacher and governing body.
6. The Academies General Disposal and Appropriation Class Consent (No.3) 2022 is hereby revoked.

Department for Education 

Dated 15 May 2023

Schedule

1. The disposal of an interest in land in favour of a person for the purposes of an academy for no (or nominal) consideration where an Academy Order has effect in respect of a maintained school which uses the land and the school is to be an academy (including free schools, studio schools and university technical colleges).
2. The disposal or appropriation of an area of land less than 50 square metres, where such land is required for the purposes of:
 - a) constructing, maintaining, or servicing a highway; or
 - b) health and safety requirements; or
 - c) enabling the provision of gas, water, electricity or broadband;subject to the school supporting the proposal.

'broadband' means the provision of broadband internet via underground cables.

3. The disposal in respect of land consisting of a grant of a lease to facilitate an existing agreement under the Private Finance Initiative or a Public Private Partnership.
4. Temporary disposal of a school playing field provided that:
 - a) the temporary disposal is for no longer than 3 school terms;
 - b) the Secretary of State is satisfied that the school is still able to deliver the curriculum to at least the same extent as it was able to pre-disposal; and
 - c) the applicant has provided written confirmation to the Department for Education that the land will be returned to at least the same condition that it was beforehand.
5. The disposal of playing fields to a not-for-profit organisation when the following conditions are met:
 - a) the terms of the disposal agreement provide that any school or community user group using the playing fields in the 6 months immediately before the transfer may continue to do so for at least 10 years following the date of the disposal, during which time they will have access to the playing fields for at least the same periods and on the same, or more favourable, terms as they did before the disposal; and either

- b) the constitution of the receiving organisation obliges that organisation to maintain them as playing fields; or
 - c) the terms of the disposal agreement require that organisation to maintain them as playing fields for at least 10 years from the date of disposal; or
 - d) the disposal is to a local authority and the receiving authority has given an undertaking that the playing fields will continue to be used as school/community playing fields for at least 10 years from the date of disposal.
6. The disposal or appropriation of an area of land which is less than 250 square metres provided that the following qualifications are met:
- a) the disposal or appropriation is not part of a disposal or appropriation of a larger area of land;
 - b) the land to be disposed of or appropriated does not, taken together with any areas of land in which the local authority holds a leasehold or freehold interest at that school and which have been disposed of or appropriated in the last 5 years, form a combined area of 250 square metres or more; and
 - c) the proposed disposal or appropriation does not create legal or practical access problems for the school or the local authority.
7. The disposal of land in the following circumstances:
- i) the transfer of a freehold interest, the grant of a leasehold interest or an assured shorthold tenancy in a caretaker's property; or
 - ii) the grant of a leasehold interest for nil consideration to another public sector education provider; or
 - iii) the renewal of a leasehold interest for continued use as a nursery;
- where the following requirements are met:
- a) the proposal does not include the disposal of playing fields;
 - b) any lease granted must be for a term not exceeding 30 years;
 - c) any lease granted must be an excluded lease;
 - d) any income is reinvested in the school's revenue budget and any capital receipt is reinvested in school capital projects; and
 - e) the school supports the proposal.

8. For the avoidance of doubt, any disposal of an interest in land by a local authority in order to fulfil its statutory duty; for example, under paragraph 9 of Schedule 3 to the School Standards and Framework 1998 Act to transfer to an existing voluntary aided school any premises which it is providing for that school to use by way of assistance.

© Crown copyright 2023