**Academies Property**

 **Property Information**

 **Note K**

## Transferring land owned or leased by one academy trust to another

| This Property Information Note K explains when you need consent to transfer freehold land or leases between academy trusts, including:* When a single academy becomes part of a Multi-Academy Trust
* A change of Sponsor;
* Trust dissolution or
* A change in the company that will hold the academy’s assets. Consent to the governance of an academy trust company does not necessarily grant consent to the transfer of land and property asset to a successor.
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To ensure you use the right information, 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).

You will need to take legal advice on any proposed changes at an early stage and involve the EFA in your proposals.

Whether you are applying before any corporate changes (using Form A) or after they have taken effect (using Form C), each form indicates the anticipated timescale for a decision from the Secretary of State. You should build the time for the EFA’s assessment of the land transfer application into your programme.

Do not accept any grant or sign any agreements before you have received written notification of the Secretary of State’s decision for the land to transfer.

#### Where academy trust is becoming a Multi-Academy Trust

If the academy trust (the original trust) amends its Articles to become a Multi-Academy Trust (the MAT), then the company holding the land (the original trust) won’t change and so there will be no transfer of the land. No consent is required for a land transfer (as none is happening), but consent will be required for the academy trust to become a Multi Academy Trust.

#### Where an academy trust is to dissolve, and the academy will pass to another trust (multi or other academy trust) prior to dissolution

Before it dissolves, the original academy trust will have to transfer the land to the successor academy trust. It can do this in a variety of ways, and this transfer will be a disposal for the purposes of Schedule 1 and the Funding Agreement. It has to be before any dissolution as otherwise it won’t have the legal capacity to act. Consent to the disposal is best included in the consent to the change in academy trust. Otherwise, separate consent is needed (using [Form A](#FormA)) to the merger/moving of the academy trust’s land to the successor academy trust.

#### Where an academy trust company dissolves before any transfer to a successor academy trust

In this case, the property held by the dissolved company will pass to the Crown as bona vacantia, subject to any termination provisions in the lease which have effect on the dissolution of the academy trust. If land does transfer to the Crown, the successor academy trust needs to use [Form C](#FormC) to request that the land is transferred to the successor academy. The preferred, far simpler, quicker and cheaper method is for the original academy trust to transfer the land to the successor academy trust before it dissolves. If the leasehold interest held by the academy trust terminates on the dissolution of the academy trust under provisions in the lease, it will be necessary for the new academy trust to agree a new lease with the freeholder of the school site.