

## Central Bedfordshire Schools Land ownership

### Background

One of the most confusing aspects of Church of England schools relates to the question 'Who owns the school site?' Confusion arises because due to historic issues, each school site is unique and as a result, land ownership in one church school can differ significantly from another.

Church schools are governed by a historic Trust deed that dates to when the school was established. Part of this Trust deed describes the gift of land for the establishment of a church school and attaches conditions to the use of that land. These conditions apply to both VC and VA schools as well as academy trusts (Stand-alone and Multi-Academy).

The general principle of land ownership in a church school is that the site Trustees own the buildings, including any hard-standing areas. If the school has been rebuilt (like many CBC schools in the 1970s or 80s) the site Trustee can also own part of the playing field or area surrounding the school, as often the land ownership was not revised at that time to match the new footprint of the building.

Local authorities (LAs) usually own and are responsible for playing fields and any buildings on them. They retain the statutory duty to provide playing fields. In the case of stand-alone academy trusts and academies within a multi-academy trust, church-owned land is occupied under the terms of the Church Supplemental Agreement (CSA).

The site Trustee for the majority of church schools in the Diocese of St Albans is the Diocesan Board of Finance (DBF) who, as an incorporated body, is the site trustee on behalf of the Diocesan Board of Education, an unincorporated body, which is the relevant religious authority.

### Issues to Consider

There are a number of issues to consider related to land ownership when considering school reorganisation, expansion and extension:

#### I Permission to undertake works

##### (a) Extension

If you intend to extend your school site and that extension involves building on land held in Trust by the DBF on behalf of the DBE, you must ask permission to do so. Please contact Ruth Garman.

(b) Easements

If your extension requires utilities to be channelled across land held in Trust by the DBF on behalf of the DBE, you must ask permission to do so. Please contact Ruth Garman.

2 Land Transfers

If your proposed extension is being built on land owned by the LA, it should, on completion, be transferred to the DBF in its role as site Trustee. At the same time, any outstanding land transfers (from previous school extensions) will need to be undertaken.

3 Reverters

Some historic Trust deeds have a 'reverter' attached to them. A 'reverter' specifies that if a church school ceases to be used as a church school, the land reverts to the original owner. If there are plans to re-locate, merge or amalgamate your school, please contact the DBE at the earliest opportunity. Any new provision needs to open at least a day before the existing provision closes to ensure the 'reverter' is not activated.

4 Land Registry Documentation

In this resource pack you will find, where it is available, your school's land registry documentation which includes a map outlining who owns what land and whether there are any covenants affecting your school's ability to extend or develop the school site.

5 Legal Costs

Where school re-organisation, extension, merger or amalgamation requires the DBE/DBF to consult its legal advisers, the school/academy involved will need to cover the Board's legal costs.

6 School merger or relocation

Where plans are brought forward that would see schools relocate or merge, the newly formed school must reflect the characteristic of the schools within it. This means:

- (a) Community and VC schools would merge to form a new VC school
- (b) VC and VA schools would merge to form a new VA school
- (c) Community, VC and VA schools would merge to form a new VA school.

Where a planned merger, relocation or amalgamation would see the new school placed outside of the parish boundaries of one of the schools, please contact the DBE at the earliest possible stage.

**For further information please contact:**

School expansion, extension, new build:

Ruth Garman, School Buildings Officer, [cbc@stalbans.anglican.org](mailto:cbc@stalbans.anglican.org)

School trust and land ownership issues:

David Morton, Director of Education, or Vicki Barrière, General Schools Administrator/PA to the Director, [cbc@stalbans.anglican.org](mailto:cbc@stalbans.anglican.org)