
STATUTORY INSTRUMENTS

1993 No. 2810

The Education and Libraries (Northern Ireland) Order 1993

PART IV

MISCELLANEOUS

Amalgamation of institutions of further education

Power of Department to determine that institutions shall be amalgamated

26.—(1) The Department may determine that two or more institutions of further education under the management of a board shall be amalgamated to form a single new institution of further education (in this Part referred to as “the new institution”).

(2) Before issuing any determination under this Article affecting any institutions of further education, the Department shall consult—

- (a) the governing bodies of those institutions;
- (b) the board by which those institutions are managed; and
- (c) such bodies as appear to the Department to be representative of—
 - (i) persons employed by a board to work at those institutions;
 - (ii) students for whom education is provided at those institutions.

(3) A determination under this Article providing for the amalgamation of two or more institutions of further education shall specify the date (referred to in Article 27 as “the implementation date”) on which the amalgamation is to take effect.

(4) For the purposes of this Article and Article 27 an institution of further education is affected by a determination under this Article if, and only if, it is one of the institutions which are to be amalgamated in pursuance of the determination.

(5) References in this Article and Article 27 to an institution of further education include references to a technical secondary school conducted in association with that institution.

Amalgamation in pursuance of determination under Article 26

27.—(1) Where the Department issues a determination under Article 26, it shall be the duty of the board responsible for the management of the institutions of further education affected by the determination to take all such steps as are necessary to give effect to the determination.

(2) In particular, but without prejudice to the generality of paragraph (1), that board shall not later than the implementation date—

- (a) ensure that an instrument of government and articles of government are made for the new institution; and
- (b) make provision by means of a governing body for the management of the new institution.

(3) On the implementation date—

- (a) all property, rights and liabilities of the governing bodies of the institutions affected by the determination shall be transferred to, and by virtue of this paragraph vest in, the governing body of the new institution; and
 - (b) the institutions affected by the determination shall cease to exist.
- (4) Any land or other property transferred to the governing body of the new institution under this Article which immediately before the implementation date was held on trust shall vest in that body as trustees on the trusts applicable immediately before that date under any trust deed regulating the use of the land or other property for the purposes of an institution of further education.
- (5) Stamp duty shall not be chargeable in respect of any transfer effected by this Article.
- (6) In Article 103(9) of the 1989 Order at the end there shall be added the following sub-paragraph—
- “(c) in the case of an institution of further education formed in pursuance of a determination under Article 26 of the Education and Libraries (Northern Ireland) Order 1993, the governing bodies of the institutions which are to be amalgamated in pursuance of the determination.”.