
STATUTORY INSTRUMENTS

1996 No. 274

The Education (Northern Ireland) Order 1996

PART III

MISCELLANEOUS

Incorporation of governing bodies of institutions of further education

41.—(1) A governing body constituted in pursuance of Part VII of the 1989 Order on or after the appointed day shall be constituted as a body corporate.

(2) A governing body so constituted before that day shall, as constituted on that day, become on that day a body corporate.

(3) On the incorporation of a governing body by, virtue of paragraph (2), any property, rights or liabilities attributable to the governing body immediately before incorporation shall be transferred to, and by virtue of this Article vest in, the body corporate.

(4) For the purposes of paragraph (3), property, rights or liabilities are attributable to a governing body if—

- (a) in the case of any property, it was held by or on behalf of any persons as members or former members of the governing body, and
- (b) in the case of rights or liabilities, they were acquired or incurred by or on behalf of any such persons,

and are so held or, as the case may be, they subsist immediately before the incorporation of the governing body.

(5) Subject to any provision made by or under the Education Orders, section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply to a governing body incorporated by virtue of this Article.

(6) A governing body incorporated by virtue of this Article shall be known as “The governing body of” with the addition of the name of the institution of further education.

(7) The application of the seal of any such governing body must be authenticated by the signature—

- (a) of the chairman of the governing body, or
- (b) of some other member authorised either generally or specially by the governing body to act for that purpose,

together with the signature of any other member.

(8) A governing body incorporated under this Article is dissolved by virtue of this paragraph—

- (a) if the institution of further education ceases to exist by virtue of Article 27(3)(b) of the Education and Libraries (Northern Ireland) Order 1993 (amalgamation with other institution); or
- (b) if the institution of further education is discontinued for any other reason.

(9) Where the governing body of an institution of further education is dissolved under paragraph (8)(b) all property, rights and liabilities of the governing body held or subsisting immediately before the date of dissolution shall on that date be transferred to, and by virtue of this paragraph vest in, the board responsible for the management of the institution.

(10) Where personal data are transferred under paragraph (3) to a governing body incorporated by virtue of this Article—

(a) any entry made in respect of the governing body constituted immediately before the appointed day as a data user in the register maintained under section 4 of the Data Protection Act 1984, or

(b) any application for registration as a data user made by that body under section 6 of that Act, shall have effect as if it were made in respect of or, as the case may be, by the governing body so incorporated.

Expressions used in this paragraph and in that Act shall have the same meaning in this paragraph as in that Act.

(11) In this Article “appointed day” means the day appointed under Article 1(3) for the coming into operation of this Article.