
STATUTORY INSTRUMENTS

1997 No. 1772

The Further Education (Northern Ireland) Order 1997

Duties and powers of the Department

Discontinuance of institution of further education

9.—(1) The Department may by order provide for the discontinuance of an institution of further education.

(2) Before making any order under this Article in relation to an institution of further education, the Department shall consult with—

- (a) the governing body of the institution;
- (b) the board for the area in which the institution is situated; and
- (c) the governing bodies of such institutions of further education and such other persons as appear to the Department to be appropriate.

(3) An order made under this Article in relation to an institution of further education shall—

- (a) contain provision for the winding-up of the governing body of that institution; and
- (b) provide for the dissolution of that body on such date as is determined by or in accordance with the order.

(4) An order made under this Article in relation to an institution of further education may include provision—

- (a) for the transfer of property, rights and liabilities of the governing body of the institution to—
 - (i) the Department; or
 - (ii) subject to paragraph (5), such other body or person as may be specified in the order;
- (b) applying Article 7(7) to (9) with such modifications as the Department considers necessary or appropriate;
- (c) for the payment by the Department of any expenses incurred in the winding-up of the governing body or the discontinuance of the institution;
- (d) imposing such duties, or conferring such additional powers, on the governing body of the institution in relation to the winding-up and discontinuance as the Department may consider appropriate;
- (e) for the exercise of any of the governing body's functions by any member of that body specified in the order;
- (f) for the appointment of a person to administer the winding-up and discontinuance, and for such person to have such functions as appear to the Department necessary or expedient for such purposes and are specified in the order;
- (g) of such incidental, supplementary, transitional or ancillary nature as appears to the Department to be necessary or expedient for the purpose of the winding-up and discontinuance.

(5) An order transferring any property, rights or liabilities to a -person or body other than the Department—

- (a) shall not be made except with the consent of that person or body; and
- (b) may impose such conditions as to the use or disposal of any property and rights so transferred as may be specified in the order.

(6) Where land or other property was held on trust for the purposes of an institution of further education, an order under this Article may vest the property in the Department or another body or person beneficially or on such trusts as appear to the Department to be appropriate.

(7) Stamp duty shall not be chargeable in respect of any transfer effected by an order under this Article.

(8) The making of an order under this Article in relation to an institution of further education shall not affect—

- (a) the power of the Department to give directions to the governing body of that institution under Article 101 of the 1986 Order; or
- (b) the duty of the governing body to comply with any directions so given.

(9) Article 101 of the 1986 Order shall apply in relation to a person appointed under paragraph (4) (e) as it applies in relation to a relevant authority within the meaning of that Article.