

## SCHEDULES

### SCHEDULE 2

#### TRANSFER OF MANAGEMENT OF INSTITUTIONS OF FURTHER EDUCATION

##### *Apportionment of certain property, rights and liabilities*

3.—(1) The land, other property, rights and liabilities mentioned in paragraph 2(5) or (6) shall, where their nature permits, be divided or apportioned between the new governing bodies of the institutions of further education concerned or (as the case may be) between the board and the new governing body of any institution or institutions concerned, in such proportions as may be appropriate.

(2) Where any estate in land falls to be divided or apportioned under sub-paragraph (1), any rent payable by or to any party in respect of that estate and any rent charged on that estate shall be correspondingly divided or apportioned so that each part is payable in respect of, or charged on, only one part of the estate.

(3) Any land, other property, right or liability the nature of which does not permit its division or apportionment shall be transferred to the new governing body of such institution or retained by the relevant board according to—

- (a) in the case of an estate in land, which of the board or the governing body of any such institution appears, as at the transfer date, to be likely to experience the greatest practical difficulty through not having that land vested in it or, where none of them appears likely to experience such difficulty to a greater extent than any other, which of them appears on that date to be likely to make use of the land to the greatest extent; or
- (b) in the case of any other property or of any right or liability, which of them appears on the transfer date to be likely to make use of the property or right or, as the case may be, to be affected by the liability to the greatest extent,

subject (in either case) to such arrangements for the protection of the other party or parties concerned as may be agreed between the relevant board and the former governing body of any such institution or determined by the Department under paragraph 5.