

SCHEDULES

SCHEDULE 2

TRANSFER OF MANAGEMENT OF INSTITUTIONS OF FURTHER EDUCATION

Resolution of disputes

5.—(1) Where it appears to a board or the former governing body of an institution of further education that it is unlikely, in the case of any matter in respect of which an agreement is required to be arrived at under paragraph 4, that an agreement will be arrived at, the board or governing body may refer the matter to the Department.

(2) Where a matter is so referred, the Department shall, after consulting the board and any former governing body required to arrive at such an agreement, determine the matter.

(3) The Department shall issue a determination to the board and any former governing body required to arrive at such an agreement and may include in such determination any provision which could have been included in an agreement or other instrument made under paragraph 4.

(4) A determination made under this paragraph shall have effect for all purposes as if it were an agreement made under paragraph 4.

(5) The board and the former governing body shall provide the Department with such information, including all documents relating to estates in land, as the Department may require for the purposes of the exercise of its functions under this paragraph.

(6) Where a board and a former governing body have failed to arrive at an agreement under paragraph 4 before the transfer date and neither of them has referred the matter in respect of which the agreement is required to the Department under sub-paragraph (1), the Department may act under this paragraph as if the matter had been referred to it under that sub-paragraph.