

## SCHEDULES

### SCHEDULE 2

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

##### *Attribution of surpluses and deficits*

**16.**—(1) Not later than such date as the Department may direct, the relevant board and the new governing body shall, in respect of each institution of further education, arrive at a written agreement as to—

- (a) the amount of any surplus or deficit in the accounts of the institution as at the day immediately before the transfer date;
- (b) if there is a surplus, the arrangements for the payment of a sum equal to the amount of that surplus by the relevant board to the new governing body;
- (c) if there is a deficit, the arrangements for the payment of a sum equal to the amount of that deficit by the new governing body to the relevant board.

(2) Where [<sup>F1</sup>the Authority] and a new governing body have failed to arrive at an agreement as mentioned in sub-paragraph (1), the matter shall be referred to the Department which shall—

- (a) after consulting [<sup>F1</sup>the Authority] and the new governing body, determine the matter; and
- (b) issue a determination to [<sup>F1</sup>the Authority] and the new governing body.

(3) A determination under sub-paragraph (2) shall have effect for all purposes as if it were an agreement under sub-paragraph (1).

(4) [<sup>F1</sup>The Authority] and the new governing body shall provide the Department with all such information as the Department may require for the exercise of its functions under this paragraph.

**F1** Words in Order substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), s. 7(2)(c), [Sch. 3 para. 1\(1\)\(a\)](#) (with [Sch. 2 para. 4\(3\)](#), [Sch. 3 para. 1\(2\)](#)); S.R. 2015/35, art. 2(b)

**Changes to legislation:**

There are currently no known outstanding effects for the The Further Education (Northern Ireland) Order 1997, Paragraph 16.