



Education Reform Act 1988

1988 CHAPTER 40

PART II

HIGHER AND FURTHER EDUCATION

CHAPTER II

REORGANISATION OF PROVISION AND FUNDING OF HIGHER EDUCATION

Supplementary

135 Inspection of accounts

- (1) The accounts of—
- (a) any university;
 - (b) any higher education corporation; or
 - (c) any institution designated under section 129 of this Act as an institution eligible to receive support from funds administered by the Polytechnics and Colleges Funding Council;

shall be open to the inspection of the Comptroller and Auditor General.

- (2) In the case of any higher education corporation or of any such institution as is mentioned in subsection (1)(a) or (c) above—
- (a) the power conferred by subsection (1) above; and
 - (b) the powers under sections 6 and 8 of the National Audit Act 1983 (examinations into the economy, efficiency and effectiveness of certain bodies and access to documents and information) conferred on the Comptroller and Auditor General by virtue of section 6(3)(c) of that Act;

shall be exercisable only in, or in relation to accounts or other documents which relate to, any financial year in which expenditure is incurred by the corporation, or by the governing body of the institution in question, in respect of which grants are made to them under section 131 or 132 of this Act.

136 Transfer to Polytechnics and Colleges Funding Council of property and staff of NAB

- (1) In this section “NAB” means the company limited by guarantee registered under the Companies Acts 1948 to 1983 under the name of the National Advisory Body for Public Sector Higher Education.
- (2) Notwithstanding anything in the memorandum of association of NAB, if upon the winding up or dissolution of NAB any property remains after the satisfaction of all its debts and liabilities the property shall be transferred to, and by virtue of this Act vest in, the Polytechnics and Colleges Funding Council.
- (3) The Secretary of State may by order designate persons employed by NAB for transfer under this section to the employment of the Polytechnics and Colleges Funding Council on such date as may be specified in the order.
- (4) The contract of employment between NAB and any person so designated who, immediately before the date so specified, is employed by NAB shall have effect from that date as if originally made between the Polytechnics and Colleges Funding Council and that person.
- (5) Without prejudice to subsection (4) above—
 - (a) all NAB’s rights, powers, duties and liabilities under or in connection with a contract to which that subsection applies shall by virtue of this section be transferred to that Council on the date so specified; and
 - (b) anything done before that date by or in relation to NAB in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to that Council.
- (6) Subsections (4) and (5) above are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by this section.
- (7) An order under this section may designate a person either individually or as a member of a class or description of employees.

137 Control of disposals of land

- (1) Subject to subsection (9) below, this section applies to any disposal after 22nd July 1987—
 - (a) of land which, immediately before that date, was used or held for the purposes of any relevant institution; or
 - (b) of land which was obtained before that date for the purpose of being so used or held and had not before that date been appropriated to any other use.
- (2) For the purposes of subsection (1) above, an institution is a relevant institution if it falls within section 121(2) or 129(3) of this Act.
- (3) Except with the consent of the Secretary of State, no local education authority shall after the passing of this Act make a disposal to which this section applies; and if at any time after 22nd July 1987 and before the passing of this Act such an authority have made a disposal which would have been in contravention of the preceding provisions of this subsection if they had then been in force the same consequences shall follow as if those provisions had been contravened by that authority.

Status: This is the original version (as it was originally enacted).

- (4) Any consent for the purposes of subsection (3) above may be given either in respect of a particular disposal or in respect of disposals of any class or description and either unconditionally or subject to conditions.
- (5) Any signification of consent, or of consent subject to specified conditions, given by the Secretary of State before the passing of this Act in respect of any disposal to which this section applies, shall be treated for the purposes of subsection (3) above as a consent, or a consent subject to those conditions, given under this section.
- (6) This section has effect notwithstanding anything in section 123 of the Local Government Act 1972 (general power to dispose of land) or in any other enactment; and the consent required by this section shall be in addition to any consent required by subsection (2) of that section or by any other enactment.
- (7) A disposal shall not be invalid or, in the case of a disposal which consists of a contract, void by reason only that it has been made or entered into in contravention of this section; and (subject to the provisions of section 201 of this Act) a person acquiring land, or entering into a contract to acquire land, from a local education authority shall not be concerned to enquire whether any consent required by this section has been given or complied with.
- (8) In this section references to disposing of land include references to—
 - (a) granting or disposing of any interest in land;
 - (b) entering into a contract to dispose of land or to grant or dispose of any such interest; and
 - (c) granting an option to acquire any land or any such interest.
- (9) This section does not apply to a disposal falling within subsection (8)(a) above if it is made in pursuance of a contract entered into, or an option granted, on or before 22nd July 1987.

138 Construction of references to land held for the purposes of an institution

- (1) This section applies for the purpose of the construction of the following provisions of this Act—
 - (a) section 126(4)(a);
 - (b) section 130(3)(a); and
 - (c) section 137(1)(a).
- (2) Where at any time any land is used for the purposes of an institution to which any of those provisions applies, any interest of a local education authority in that land subsisting at that time shall be taken for the purposes of that provision to be land held for the purposes of that institution (whether or not it is by virtue of that interest that the land is so used).