

SCHEDULES

SCHEDULE 10

SUPPLEMENTARY PROVISIONS WITH RESPECT TO TRANSFERS

Division and apportionment of property etc.

- 1 (1) Any property, rights and liabilities of a transferor authority held or subsisting—
- (a) for the purposes of more than one relevant institution; or
 - (b) partly for the purposes of one or more relevant institutions and partly for other purposes of the transferor authority;
- shall, where the nature of the property, right or liability permits, be divided or apportioned between the transferees, or (as the case may be) between the transferor authority and the transferee or transferees, in such proportions as may be appropriate.
- (2) Where any estate or interest in land falls to be so divided—
- (a) any rent payable under a lease in respect of that estate or interest; and
 - (b) any rent charged on that estate or interest;
- shall be correspondingly divided or apportioned so that each part is payable in respect of, or charged on, only one part of the estate or interest and the other part or parts are payable in respect of, or charged on, only the other part or parts of the estate or interest.
- (3) Any property, right or liability held or subsisting as mentioned in sub-paragraph (1) above the nature of which does not permit its division or apportionment as so mentioned shall be transferred to the transferee (or to one or other of the transferees) or retained by the transferor authority according to—
- (a) in the case of an estate or interest in land, whether on the transfer date the transferor authority or the transferee (or one or other of the transferees) appears to be in greater need of the security afforded by that estate or interest or, where none of them appears to be in greater need of that security, which of them appears on that date to be likely to make use of the land to the greater extent; or
 - (b) in the case of any other property or any right or liability, which of them appears on the transfer date to be likely to make use of the property or (as the case may be) to be affected by the right or liability to the greater extent;
- subject (in either case) to such arrangements for the protection of the other person or persons concerned as may be agreed between the transferor authority and the Education Assets Board or determined by the Secretary of State under paragraph 3 below.
- (4) In this paragraph—
- (a) references to a relevant institution are references to—
 - (i) any school or other institution a body corporate is established under this Act to conduct; and
 - (ii) any institution to which section 130 of this Act applies; and

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

- (b) references to a transferor authority are references to a local education authority who are the transferor for the purposes of any transfer to which this Schedule applies.