



Education Reform Act 1988

1988 CHAPTER 40

PART II

HIGHER AND FURTHER EDUCATION

CHAPTER II

REORGANISATION OF PROVISION AND FUNDING OF HIGHER EDUCATION

The higher education corporations

128 Dissolution of higher education corporations

- (1) Subject to the following provisions of this section, the Secretary of State may by order provide for—
 - (a) the dissolution of any higher education corporation; and
 - (b) the transfer of property, rights and liabilities of the corporation to—
 - (i) any person appearing to the Secretary of State to be wholly or mainly engaged in the provision of educational facilities or services of any description;
 - (ii) any body corporate established for purposes which include the provision of such facilities or services;
 - (iii) the Universities Funding Council established under section 131 of this Act; or
 - (iv) the Polytechnics and Colleges Funding Council established under section 132 of this Act.
- (2) An order under sub-paragraph (i) or (ii) of subsection (1)(b) above shall not provide for transferring the property, rights or liabilities of a higher education corporation to any person or body without the consent of that person or body; and where the recipient of a transfer under any order under subsection (1)(b) is not an educational charity any

Status: This is the original version (as it was originally enacted).

property transferred must be transferred on trust to be used for charitable purposes which are exclusively educational purposes.

- (3) For the purposes of subsection (2) above, a charity is an educational charity if the charitable purposes for which it is established are exclusively educational purposes.
- (4) Before making an order under this section in respect of a higher education corporation the Secretary of State shall consult—
 - (a) the corporation; and
 - (b) the Polytechnics and Colleges Funding Council.
- (5) In this section “charity” and “charitable purposes” have the same meanings as in the Charities Act 1960.