



Education Reform Act 1988

1988 CHAPTER 40

PART II

HIGHER AND FURTHER EDUCATION

CHAPTER II

REORGANISATION OF PROVISION AND FUNDING OF HIGHER EDUCATION

Supplementary

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)^{F1} . . . 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.
- (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.

Status: Point in time view as at 06/05/1992. This version of this provision has been superseded.

Changes to legislation: Education Reform Act 1988, Section 137 is up to date with all changes known to be in force on or before 18 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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 ^{M1}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.

Textual Amendments

F1 Words in s. 137(2) repealed (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, Sch. 8 Pt. I para. 38, [Sch.9](#); S.I. 1992/831, art. 2, [Sch.1](#).

Marginal Citations

M1 1972 c. 70.

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