



Education Reform Act 1988

1988 CHAPTER 40

PART IV

MISCELLANEOUS AND GENERAL

Wales

228 Transfer of property to grant-aided institutions in Wales

- (1) This section applies to any institution in Wales which—
 - (a) is conducted by a body corporate; and
 - (b) has a full-time equivalent enrolment number for courses of higher education which exceeds 55 per cent. of its total full-time equivalent enrolment number.
- (2) Where in the case of any institution to which this section applies—
 - (a) the Secretary of State proposes to make to the body conducting the institution grants under regulations made under section 100(1)(b) of the 1944 Act; and
 - (b) any land or other property of a local education authority is for the time being used or held, or any subsisting rights or liabilities of such an authority were acquired or incurred, for the purposes of the institution;the Secretary of State may by order designate the institution for the purposes of this section.
- (3) Subject to the following provisions of this section, on the date on which any designation of an institution under this section takes effect the property, rights and liabilities mentioned in subsection (4) below shall be transferred to, and by virtue of this Act vest in, the body corporate by whom the institution is conducted.
- (4) The property, rights and liabilities referred to in subsection (3) above are—
 - (a) all land or other property which, immediately before that date, was property of any local education authority used or held for the purposes of the designated institution; and

Status: This is the original version (as it was originally enacted).

- (b) all rights and liabilities of any such authority subsisting immediately before that date which were acquired or incurred for those purposes.
- (5) Subsection (3) above shall not apply to—
- (a) any liability of any such authority in respect of the principal of, or any interest on, any loan; or
 - (b) any liability of any such authority in respect of compensation for premature retirement of any person formerly employed by them.
- (6) Section 198 of this Act shall apply to a transfer under this section; and the preceding provisions of this section are subject to Schedule 10 to this Act.
- (7) In the application of that Schedule in relation to a transfer under this section references in paragraph 1 to a relevant institution shall include references to an institution designated under this section.
- (8) Section 199 of this Act shall apply to an institution designated under this section; and for the purposes of that section as it applies by virtue of this section subsection (2) of that section shall apply as if paragraph (a) defined an excepted liability as one which would have been transferred under subsection (3) of this section but for subsection (5) (a) of this section.
- (9) Expressions used in this section to which a meaning is given for the purposes of Part II of this Act have the same meaning in this section; and section 138 of this Act shall apply for the purpose of the construction of subsections (2)(b) and (4)(a) above.
- (10) In this Act “transfer date” means, in relation to an institution designated under this section, the date on which the designation of that institution takes effect.