



Education Reform Act 1988

1988 CHAPTER 40

PART I

SCHOOLS

CHAPTER IV

GRANT-MAINTAINED SCHOOLS

Transfer of property and staff, etc.

74 Transfer of property, etc., to governing body of grant-maintained school.

- (1) Subject to the following provisions of this section and section 198 of this Act, on the incorporation date in relation to a grant-maintained school—
 - (a) the property, rights and liabilities of the former maintaining authority mentioned in subsection (2) below; and
 - (b) any property, rights and liabilities of the former governing body of the school; shall be transferred to, and by virtue of this Act vest in, the governing body of the grant-maintained school.
- (2) The property, rights and liabilities referred to in subsection (1)(a) above are—
 - (a) all land or other property which, immediately before the incorporation date, was property used or held by the former maintaining authority for the purposes of the school; and
 - (b) all rights and liabilities subsisting immediately before the incorporation date which were acquired or incurred by that authority for those purposes.
- (3) Subsection (1) above shall not apply to rights and liabilities under any contract of employment; and paragraph (a) of that subsection shall not apply to—
 - (a) any land or other property vested in the former maintaining authority as trustees;

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Education Reform Act 1988, Section 74 is up to date with all changes known to be in force on or before 14 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)

- (b) any liability of that authority in respect of the principal of, or any interest on, any loan; or
 - (c) any liability of that authority in respect of compensation for premature retirement of any person formerly employed by them or by any governing body of the school.
- (4) Subject to section 198 of this Act, any land or other property of the former maintaining authority excluded by virtue of subsection (3)(a) above from transfer to the governing body of a grant-maintained school shall, on the incorporation date in relation to the school, be transferred to, and by virtue of this Act vest in, the first governors of the school on the trusts applicable immediately before that date under any trust deed regulating the use of that land or other property for the purposes of the school.
- (5) On the incorporation date in relation to a grant-maintained school—
- (a) the duty of the former maintaining authority to maintain the school as a county or voluntary school shall be extinguished; and
 - (b) any special agreement relating to the school shall cease to have effect.
- (6) For the purposes of this section any interest in a dwelling-house which, immediately before the incorporation date in relation to such a school, is used or held by the former maintaining authority for occupation by a person employed to work at the school shall be treated as an interest used or held for the purposes of the school.
- (7) In this section “the former governing body” means, in relation to such a school, the governing body of the school immediately before the incorporation date in relation to the school.
- (8) In this Chapter, “the former maintaining authority” means, in relation to such a school, the local education authority by whom the school was maintained immediately before the incorporation date in relation to the school.
- (9) In this Act, “transfer date” means, in relation to such a school, the incorporation date in relation to the school.

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

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