

1989 No. 409

EDUCATION, ENGLAND AND WALES

**The Education (West Midlands College of Higher
Education Higher Education Corporation) (Dissolution)
Order 1989**

Made - - - - 9th March 1989

Laid before Parliament 10th March 1989

Coming into force 1st April 1989

In exercise of the powers conferred by section 128(1) and (2) and section 232(5) of the Education Reform Act 1988 (a) the Secretary of State for Education and Science, having consulted in accordance with subsection (4) of the said section 128 West Midlands College of Higher Education Higher Education Corporation(b) and the Polytechnics and Colleges Funding Council, and with the consent of the Polytechnic, Wolverhampton Higher Education Corporation(b), hereby makes the following Order:

1. This Order may be cited as the Education (West Midlands College of Higher Education Higher Education Corporation) (Dissolution) Order 1989 and shall come into force on 1st April 1989 immediately after the transfer under sections 126 and 127 of the Act, as they apply in relation to the Corporation by virtue of the 1988 Order, have had effect.

2. In this Order—

“the Act” means the Education Reform Act 1988;

“the Corporation” means West Midlands College of Higher Education Higher Education Corporation;

“the 1988 Order” means the Education (Higher Education Corporations) Order 1988(c); and

“the Polytechnic” means the Polytechnic, Wolverhampton Higher Education Corporation.

3.—(1) The Corporation is hereby dissolved.

(2) The property, rights and liabilities of the Corporation, including the property, rights and liabilities vested in the Corporation by section 126 of the Act as it applies in relation to the Corporation by virtue of the 1988 Order, are hereby transferred to and shall vest in the Polytechnic.

(3) In particular any contract of employment which by virtue of section 127(2) of the Act, as it applies in relation to the Corporation by virtue of the 1988 Order, has effect as if originally made between the employee to which it relates and the Corporation shall have effect as if originally made between that employee and the Polytechnic.

(a) 1988 c.40.

(b) Established under section 121 of the Education Reform Act 1988 by virtue of S.I. 1988/1799.

(c) S.I. 1988/1799.

(4) Without prejudice to paragraph (3) above, all the Corporation's rights, powers, duties and liabilities under or in connection with any contract to which that paragraph applies shall by virtue of that paragraph be transferred to the Polytechnic, and anything done before 1st April 1989 which is deemed by virtue of section 127(3)(b) of the Act to have been done by or in relation to the Corporation in respect of such a contract shall be deemed from 1st April 1989 to have been done by or in relation to the Polytechnic.

(5) Paragraphs (3) and (4) above are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by those paragraphs.

9th March 1989

Kenneth Baker
Secretary of State for Education and Science

EXPLANATORY NOTE

(This note is not part of the Order)

This Order dissolves the higher education corporation named West Midlands College of Higher Education and transfers the property, rights and liabilities of that corporation to the Polytechnic, Wolverhampton Higher Education Corporation. Contracts of employment are included in the transfer, and the Order contains supplemental provisions which provide continuity of employment of persons whose contracts are being transferred. Certain property, rights and liabilities are transferred from Walsall Metropolitan Borough Council Local Education Authority to the West Midlands College of Higher Education Corporation under sections 126 and 127 of the Education Reform Act 1988 on 1st April 1989. The transfer effected by this Order takes effect on that date immediately after that transfer.

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