



Further and Higher Education Act 1992

1992 CHAPTER 13

PART I

FURTHER EDUCATION

CHAPTER II

INSTITUTIONS WITHIN THE FURTHER EDUCATION SECTOR

Transfer of property, etc., to further education corporations

23 Transfer of property, etc.: institutions maintained by local education authorities

- (1) This section has effect in relation to a further education corporation established to conduct an institution which, on the date the corporation was established, was maintained by a local education authority.
- (2) Subject to subsection (3) below and section 36 of this Act, on the operative date—
 - (a) all land or other property which, immediately before that date, was property of any local authority used or held for the purposes of the institution the corporation is established to conduct, and
 - (b) all rights and liabilities of any such authority subsisting immediately before that date which were acquired or incurred for those purposes,shall be transferred to, and by virtue of this Act vest in, that corporation.
- (3) Subsection (2) above shall not apply to—
 - (a) any liability of any such authority in respect of the principal of, or interest on, any loan, or
 - (b) any property, rights or liabilities excluded under subsections (4) or (5) below.
- (4) If before the operative date—

Status: This is the original version (as it was originally enacted).

- (a) the governing body of the institution and the local authority have agreed in writing to exclude any land, and
 - (b) the Secretary of State has given his written approval of the agreement,the land, and any rights or liabilities relating to it, shall be excluded.
- (5) If in default of agreement under subsection (4) above—
 - (a) the governing body or the local authority have applied to the Secretary of State to exclude any land, and
 - (b) the Secretary of State has by order directed its exclusion,the land, and any rights or liabilities relating to it, shall be excluded.
- (6) An agreement under subsection (4) above may provide for the land to be used for the purposes of the institution on such terms as may be specified in or determined in accordance with the agreement; and directions under subsection (5) above—
 - (a) may confer any rights or impose any liabilities that could have been conferred or imposed by such an agreement, and
 - (b) shall have effect as if contained in such an agreement.
- (7) References in subsections (4) and (5) above to anything done, other than the making of an order, include anything done before the passing of this Act.
- (8) On the operative date—
 - (a) all land and other property which, immediately before that date, was property of the former governing body, and
 - (b) all rights and liabilities of that body subsisting immediately before that date, shall be transferred to and, by virtue of this Act, vest in the corporation.
- (9) In subsection (8) above “former governing body” in relation to an institution means the governing body of the institution immediately before the operative date.