



# 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*

#### **24 Provisions supplementary to section 23**

- (1) Where in exercise of their powers under section 2 of the Further Education Act 1985 a local authority—
  - (a) have entered into an agreement for the supply of goods or services or both through an educational institution, or
  - (b) for the purposes of any agreement for such a supply through such an institution, hold shares in any body corporate,and a further education corporation is established to conduct the institution, then, the rights and liabilities of the authority under or by virtue of the agreement or, as the case may be, the interest of the authority in the shares shall be treated as falling within section 23(2) of this Act.
- (2) Expressions used in subsection (1) above and in section 2 of that Act have the same meaning as in that section.
- (3) Where, immediately before the operative date in relation to a further education corporation, arrangements exist for the supply by a local authority of goods or services for the purposes of the institution in pursuance of a bid prepared under section 7 of the Local Government Act 1988 (restrictions on activities of local authorities), those arrangements shall have effect as from that date as if—

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*Status: This is the original version (as it was originally enacted).*

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- (a) they were contained in an agreement made before that date between the local authority and the corporation on the terms specified in the bid, and
  - (b) the agreement required the corporation or, as the case may be, the local authority to make payments corresponding to the provision made in the bid in pursuance of section 8(3) of that Act for items to be credited or, as the case may be, debited to any account.
- (4) Where such arrangements are for the supply to others as well as to the institution—
- (a) those arrangements shall have effect as mentioned in subsection (3) above only to the extent that they relate to the institution in question, and
  - (b) the rights and liabilities arising under the agreement shall be such rights and liabilities as are properly required to give effect to the arrangements so far as relating to that institution.
- (5) Where at any time land is used for the purposes of such an institution, any interest of a local authority in the land subsisting at that time shall be taken for the purposes of section 23 of this Act to be land held for the purposes of that institution (whether or not it is by virtue of that interest that the land is so used).