



Further and Higher Education Act 1992

1992 CHAPTER 13

PART I

FURTHER EDUCATION

CHAPTER II

INSTITUTIONS WITHIN THE FURTHER EDUCATION SECTOR

Designation of institutions for funding by the councils

32 Transfer of property, etc., to designated institutions

- (1) This section has effect in relation to an institution designated under section 28 of this Act in any case where—
- (a) the order designating the institution under that section so provides, and
 - (b) when designated the institution was a voluntary aided school or an institution (other than a school) assisted by a local education authority.
- (2) Subject to subsection (4) below and section 36 of this Act, on the designation date—
- (a) all land or other property which, immediately before that date, was property of a former assisting authority used or held for the purposes of the institution, and
 - (b) all rights and liabilities of that 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 the appropriate transferees.
- (3) In this section and section 33 of this Act—
- “appropriate transferees” means—
- (a) in relation to an institution conducted by a company, the company, and
 - (b) in relation to an institution not so conducted, any persons specified in the order designating the institution as persons appearing to the Secretary of State to be trustees holding property for the purposes of that institution,

Status: This is the original version (as it was originally enacted).

“designation date”, in relation to a designated institution, means the date on which the designation takes effect, and

“former assisting authority” means—

- (a) in relation to an institution which when designated was a voluntary aided school, the local education authority which maintained the school, and
- (b) in relation to an institution which when designated was an institution (other than a school) assisted by a local education authority, that authority.

(4) Subsection (2) above shall not apply to—

- (a) any liability of a former assisting authority in respect of the principal of, or interest on, any loan, or
- (b) any property, rights or liabilities excluded under subsections (5) or (6) below.

(5) If before the designation date—

- (a) the appropriate transferees and the former assisting 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.

(6) If in default of agreement under subsection (5) above—

- (a) the appropriate transferees or the former assisting 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.

(7) An agreement under subsection (5) 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 (6) 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.

(8) References in subsections (5) and (6) above to anything done, other than the making of an order, include anything done before the passing of this Act.