

SCHEDULES

SCHEDULE 2

TRANSFER OF MANAGEMENT OF INSTITUTIONS OF FURTHER EDUCATION

Transfer of certain property, rights and liabilities

2.—(1) Subject to the following provisions of this Schedule, on the transfer date there shall be transferred to, and by virtue of this paragraph vest in, the new governing body of an institution of further education—

- (a) all land and other property which, immediately before that date, was property of the relevant board used, held or obtained by that board for or in connection with the purposes of the institution;
- (b) all rights and liabilities subsisting immediately before that date which were acquired or incurred by the relevant board for or in connection with those purposes; and
- (c) any property, rights and liabilities of the former governing body of the institution.

(2) This paragraph does not apply to—

- (a) any right or liability under a contract of employment (which is dealt with in paragraph 9);
- (b) any liability of the relevant board in respect of compensation for premature retirement of any person formerly employed by it;
- (c) any liability of the relevant board in respect of the principal of, or any interest on, any loan obtained by it;
- (d) any liability of the relevant board in tort where the cause of action accrued before the transfer date;
- (e) any liability of the relevant board under a contract of indemnity in respect of acts committed before the transfer date;
- (f) any property, right or liability excluded from this paragraph—
 - (i) by an agreement under sub-paragraph (3); or
 - (ii) by a direction under sub-paragraph (4).

(3) If, before the transfer date, the former governing body of an institution of further education and the relevant board have agreed in writing to exclude any property, right or liability from this paragraph, that property, right or liability shall be so excluded.

(4) The Department may, at any time before the transfer date, direct that any property, right or liability specified in the direction shall be excluded from this paragraph.

(5) Subject to paragraph 3, the land and other property referred to in sub-paragraph (1)(a) includes any land or other property which was used, held or obtained—

- (a) for or in connection with the purposes of more than one institution of further education; or
- (b) partly for or in connection with the purposes of one or more such institutions and partly for or in connection with other purposes of the board,

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to the extent that it was used, held or obtained for or in connection with the purposes of any such institution.

(6) Subject to paragraph 3, the rights and liabilities referred to in sub-paragraph (1)(b) include any rights and liabilities which were acquired or incurred—

- (a) for or in connection with the purposes of more than one institution of further education; or
- (b) partly for or in connection with the purposes of one or more such institutions and partly for or in connection with other purposes of the board,

to the extent that they were acquired or incurred for or in connection with the purposes of any such institution.