

SCHEDULES

SCHEDULE 1

TRANSFER OF MANAGEMENT OF THE COLLEGE

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 the governing body—

- (a) all land and other property which, immediately before that date, was property of a relevant department held by that department for or in connection with the purposes of the college;
- (b) all rights and liabilities subsisting immediately before that date which were acquired or incurred by a relevant department for or in connection with those purposes.

(2) Sub-paragraph (1) does not apply to—

- (a) any right or liability under a contract of employment (which is dealt with in paragraph 3);
- (b) any liability of a relevant department in tort where the cause of action accrued before the transfer date;
- (c) any liability of a relevant department under a contract of indemnity in respect of acts committed before the transfer date;
- (d) any property, right or liability excluded from that sub-paragraph by an order under sub-paragraph (3).

(3) The Department may, at any time before the transfer date, by order provide that any property, right or liability specified in the order shall be excluded from sub-paragraph (1).

(4) Where an order under sub-paragraph (3) provides that any land is excluded from sub-paragraph (1), the order may—

- (a) create for a relevant department interests in or rights over land transferred under this paragraph;
- (b) create for the governing body interests in or rights over land excluded by the order,
- (c) create rights or liabilities between a relevant department and the governing body.

(5) Sub-paragraph (1) has effect in relation to property, rights and liabilities—

- (a) despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict their transfer; and
- (b) without any instrument or other formality being required.

(6) A certificate issued by the Department and stating that any land or other property specified in the certificate, or any right or liability so specified, was or was not transferred under this paragraph to the governing body shall be evidence for all purposes of that fact.

(7) A transfer or order under this paragraph does not give rise to any liability to stamp duty or stamp duty land tax.

Changes to legislation:

The Colleges of Education (Northern Ireland) Order 2005, Paragraph 2 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Commencement Orders yet to be applied to the The Colleges of Education (Northern Ireland) Order 2005

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2015/35 art. 2 commences \(2014 c. 12 \(N.I.\)\)](#)