



# Employment Act 1989

## 1989 CHAPTER 38

### *Industrial training boards*

#### 24 **Transfer of assets or staff of industrial training boards.** **E+W+S**

- (1) The following sections shall be inserted after section 3 of the <sup>M1</sup>Industrial Training Act 1982—

**“3A Transfer of assets on revocation or amendment of industrial training order.**

- (1) Where an order has been made under section 1 above which—
- (a) revokes an industrial training order, or
  - (b) amends such an order so as to exclude from the scope of operation of an industrial training board some of the activities in relation to which it exercises functions,
- the board concerned—
- (i) may with the consent of the Secretary of State, or
  - (ii) shall if he so directs,
- transfer all or any of its assets to any person on trust to be used for charitable purposes which are related to or connected with training for employment.
- (2) A transfer under subsection (1) above may be made for a consideration which is less than the market value of the assets transferred or for no consideration; and different assets may be transferred by a board under that subsection to different persons.
- (3) It is hereby declared that a transfer under subsection (1) above may be made in a case where an industrial training order is revoked even if the assets of the board concerned are (or will be after the transfer) insufficient to meet its liabilities and the expenses of the winding up of the board in pursuance of section 4(1) below.

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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989, Section 24. (See end of Document for details)*

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- (4) Subject to subsection (5) below, the provisions of section 15(5) to (9) below shall apply in relation to any direction given by the Secretary of State under subsection (1) above as they apply in relation to any direction given by him under section 15(1) or (2) below.
- (5) Where any such direction is given in a case where an industrial training order is revoked, those provisions shall so apply with the omission from section 15(6) below of the words from “during such period” onwards.

### **3B Transfer of staff employed by boards.**

- (1) If arrangements are made (whether in connection with a transfer of assets under section 3A(1) above or otherwise) for any activities of an industrial training board to be carried on by some other person (“the transferee”) as from a particular date, this section shall have effect in relation to any employee of the board who, immediately before that date, was employed wholly or mainly in connection with those activities.
- (2) The Transfer of Undertakings (Protection of Employment) Regulations 1981 shall apply in relation to any such employee of the board in accordance with subsection (3) below.
- (3) For the purposes of the application of those Regulations in relation to any such employee, the activities referred to in subsection (1) above shall (whether or not they would otherwise be so regarded) be regarded—
- (a) as constituting an undertaking within the meaning of those Regulations which is transferred from the board to the transferee on the date referred to in that subsection, and
  - (b) as being so transferred by a transfer to which those Regulations apply and which is completed on that date.
- (4) A certificate issued by an industrial training board, in connection with any such arrangements as are referred to in subsection (1) above, to the effect that a person was, immediately before the date referred to in that subsection, employed by the board wholly or mainly in connection with the activities to which the arrangements relate shall be conclusive evidence of the facts stated in the certificate.”
- (2) In section 4(2) of the <sup>M2</sup>Industrial Training Act 1982 (winding up of industrial training boards), the following provisions shall be substituted for paragraph (b)—
- “(b) for any assets of the board which are not required to meet those liabilities and expenses to be transferred to the Secretary of State and for those assets to be applied for purposes specified in the order.

Any reference in this subsection to the assets of the board is a reference to the assets (if any) held by it after the making of any transfer or transfers under section 3A(1) above.”

#### **Marginal Citations**

- M1** 1982 c. 10.  
**M2** 1982 c. 10.

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Act 1989, Section 24.