

1988 No. 1905

TRAINING COMMISSION

Training Commission

(Incidental and Transitional Provisions) Order 1988

Made - - - - - *27th October 1988*

Coming into force *1st December 1988*

Whereas the Secretary of State on 15 September 1988 revoked, subject to certain savings, all authorisations or directions made or deemed to have been made in relation to the Training Commission under section 2 or 3 of the Employment and Training Act 1973(a) (Functions of the Secretary of State and of the Commission) and considers it appropriate to make such incidental and transitional provisions in connection with the said revocation as are contained in this Order:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 25(2) of, and paragraphs 6, 7 and 8 of Schedule 2 to, the Employment Act 1988(b) and of all other powers enabling him in that behalf, hereby makes the following Order:-

Citation and commencement

1. This Order may be cited as the Training Commission (Incidental and Transitional Provisions) Order 1988 and shall come into force on 1st December 1988.

Interpretation

2. In this Order,

“the Commission” means the Training Commission, and

“the revoked functions” means the powers and duties which by virtue of the said revocation, which is set out in the Schedule to this Order, have ceased to apply to the Commission and any activities carried on at any time by the Commission pursuant to those powers and duties.

Transfer of property etc. to the Secretary of State

3. There shall be transferred to the Secretary of State all property (other than land or any interest in land) held by the Commission on the commencement of this Order in connection with the carrying out by the Commission of any of the revoked functions.

4. There shall be transferred to the Secretary of State all rights and liabilities to which the Commission is entitled or subject (other than any to which it is entitled or subject in connection with an interest in land):-

(a) in connection with any property transferred by virtue of Article 3; or

(b) in connection with the carrying out by the Commission of any of the revoked functions.

(a) 1973 c.50; sections 2 and 3 were substituted by section 25 of the Employment Act 1988 (c.19), and for transitional purposes paragraph 4 of Schedule 2 to the latter Act deemed certain authorisations or, as the case may be, directions to have been made under the said sections 2 and 3.

(b) 1988 c.19; section 25(2) of the Act gives effect to Schedule 2.

5. Anything done or in the process of being done by or in relation to the Commission for the purposes of or in connection with the revoked functions shall from the commencement of this Order be treated as having been done by or in relation to the Secretary of State or, as the case may be, shall be continued by or in relation to the Secretary of State; and without prejudice to the foregoing provisions of this Article:—

- (a) any legal proceedings by or in relation to the Commission for the purposes of or in connection with the revoked functions may be continued by or in relation to the Secretary of State;
- (b) every contract or other agreement whether written or not (other than one relating to land or any interest in land) to which the Commission is a party for the purposes of or in connection with the revoked functions shall have effect, in respect of any time falling after the commencement of this Order, as if the Secretary of State were a party thereto in place of the Commission and as if for each reference therein to the Commission there were substituted a reference to the Secretary of State;
- (c) every deed, bond, instrument and document relating to property, rights or liabilities of the Commission which by this Order are transferred to the Secretary of State shall have effect, in respect of any time falling after such commencement, as if, where the Commission is a party thereto, the Secretary of State were substituted as that party and as if for each reference therein to the Commission there were substituted a reference to the Secretary of State; and
- (d) every contract or other agreement and every deed, bond, instrument and document mentioned in paragraph (b) or (c) respectively of this Article shall be subject to the following additional modifications, so far as they are applicable—
 - (i) as if for a reference (however worded and whether express or implied) to the chairman or deputy chairman or the members or any member of the Commission there were substituted, in respect of anything done or falling to be done or occurring after such commencement, a reference to such officer or officers as the Secretary of State shall appoint for the purpose; and
 - (ii) as if for a reference to the office or place of business of the Commission there were substituted, in respect of any time falling after such commencement, a reference to the office or place of business of the Secretary of State.

Signed by order of the Secretary of State.

27th October 1988

John Cope
Minister of State,
Department of Employment

SCHEDULE

Article 2

TEXT OF THE REVOCATION DATED 15th SEPTEMBER 1988

The Secretary of State hereby revokes all authorisations or directions given to the Commission under section 2 or 3 of the Employment and Training Act 1973 ("the 1973 Act") and all authorisations or directions deemed by virtue of paragraph 4 of Schedule 2 to the Employment Act 1988 to have been given under the said section 2 or 3, except to the extent necessary—

- (a) to continue to hold any interest in any land which the Commission occupies or has occupied for the purpose of carrying out any functions conferred or imposed by or under the 1973 Act or any other enactment or otherwise;
- (b) to retain any rights or be subject to any liabilities to which the Commission is entitled or subject in connection with such an interest;
- (c) to continue to hold any interest in property (other than land) and to retain any rights or be subject to any liabilities to which the Commission is entitled or subject in connection with the exercise of any function carried on in pursuance of an authorisation or direction or deemed authorisation or direction hereby revoked; and
- (d) to facilitate the carrying on by the Secretary of State of any activity in the process of being carried on by the Commission at the date hereof in connection with the exercise of any function carried on in pursuance of an authorisation or direction or deemed authorisation or direction hereby revoked.

15th September 1988

Norman Fowler
Secretary of State for Employment

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes incidental and transitional provisions for the purposes of, and in connection with, the revocation by the Secretary of State, subject to certain savings, of all authorisations or directions given to the Training Commission under the Employment and Training Act 1973. The Order provides for the transfer of property (other than land) and of rights and liabilities from the Training Commission to the Secretary of State.