

*These notes refer to the Learning and Skills Act 2000  
(c.21) which received Royal Assent on 28 July 2000*

# LEARNING AND SKILLS ACT 2000

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part V - Miscellaneous and General

##### *Sections 94 to 95: transfers: further provision*

137. **Section 94** provides that the transfers made under sections 89 or 91 and the schemes made under sections 90, 92 or 93 do not give rise to liability to stamp duty. Therefore, no stamp duty will be chargeable on transfers arising from the dissolution of the FEFCs or on a transfer scheme made by the Secretary of State or the National Assembly.
138. The Transfer of Undertakings (Protection of Employment) Regulations 1981 (TUPE) will preserve the terms and conditions of employment and associated rights of many of the individuals who will move to the new organisations. **Section 95** will provide similar protection to individuals, such as those in the FEFCE or in TECs, who transfer under the express provisions of the Act or schemes made under this Act to the LSC, ALI or OFSTED, even where TUPE does not strictly apply. This approach is in line with Cabinet Office guidance on transfers in the public sector, which was issued in January 2000. Where rights and liabilities under a contract of employment are transferred by the dissolution of the FEFCs, or by a transfer scheme made by the Secretary of State or the National Assembly, those rights and liabilities are protected.