
EXPLANATORY NOTE

(This note is not part of the Regulations)

Paragraphs 62 to 64 of Schedule 8 to the Further and Higher Education Act 1992 (“Paragraphs 62 to 64”) have effect in place of paragraph 3 of Schedule 10 to the Education Reform Act 1988 (“the 1988 Act”) (supplementary provisions with respect to transfers of property etc.) in the case of any transfer by virtue of section 126 or 130 of the 1988 Act. Section 126 relates to the transfer of property, rights and liabilities to higher education corporations. Section 130 relates to the transfer of property, rights and liabilities to certain institutions designated under section 129 of the 1988 Act.

Paragraphs 62 to 64 introduce a new method of dealing with those cases where the Education Assets Board and the transferor local authority are unable to agree on matters relating to the transfer of property, rights and liabilities to such corporations and institutions.

Paragraphs 62 to 64 came into force on 6 May 1992 by virtue of the Further and Higher Education Act 1992 (Commencement No. 1 and Transitional Provisions) Order 1992 (S.I.1992/831 C.31) but article 4 of that Order provides that paragraph 3 of Schedule 10 to the 1988 Act shall continue to have effect in relation to any matter notified to the Secretary of State by the Education Assets Board prior to that date pursuant to that paragraph.

These Regulations prescribe the following matters for the purposes of Paragraphs 62 to 64—

- (a) a period of time in which agreement must be reached for the purposes of paragraph 62(1)(b);
- (b) the procedure for giving directions under paragraph 62;
- (c) the procedure for making appeals under paragraph 63; and
- (d) the procedure for making determinations under paragraphs 62 and 63.