
STATUTORY INSTRUMENTS

1999 No. 2544

EDUCATION, ENGLAND

The Bilston Community College (Dissolution) Order 1999

Made - - - - *10th September 1999*
Laid before Parliament *10th September 1999*
Coming into force - - *1st October 1999*

Whereas the Secretary of State for Education and Employment has received a proposal from the Further Education Funding Council for England, made in accordance with section 51 of the Further and Higher Education Act 1992⁽¹⁾ (“the Act”), for the dissolution under section 27 of the Act of the further education corporation known as Bilston Community College⁽²⁾ (“the corporation”);

Now therefore, in exercise of the powers conferred on him by section 27 of the Act, the Secretary of State, after consulting the corporation and with the consent of the further education corporation known as Wulfrun College, Wolverhampton⁽³⁾, hereby makes the following Order:

1. This Order may be cited as the Bilston Community College (Dissolution) Order 1999, and shall come into force on 1st October 1999.

2. On 1st October 1999 the corporation shall be dissolved and all of its property, rights and liabilities shall be transferred to Wulfrun College, Wolverhampton or to the Further Education Funding Council for England, as is provided in (a) and (b) below:

- (a) all of the corporation’s property and rights shall be transferred to Wulfrun College, Wolverhampton, excepting the property and rights specified in Schedule 1 to this Order, which shall be transferred to the Further Education Funding Council for England; and
- (b) all of the corporation’s liabilities shall be transferred to the Further Education Funding Council for England, excepting the liabilities specified in Schedule 2 to this Order, which shall be transferred to Wulfrun College, Wolverhampton.

3. Section 26(2), (3) and (4) of the Act shall apply to any person employed by the corporation immediately before 1st October 1999 as if the references in that section—

- (a) to a person to whom that section applies were to a person so employed;
- (b) to the operative date were to 1st October 1999;
- (c) to the transferor were to the corporation; and

⁽¹⁾ 1992 c. 13.

⁽²⁾ Established by the Education (Further Education Corporations) Order 1992 (S.I.1992/2097) under the name of Bilston Community College.

⁽³⁾ Also established by the above-mentioned Order under the name of Wulfrun College, Wolverhampton. From

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(d) to the corporation were to Wulfrun College, Wolverhampton.

10th September 1999

Tessa Blackstone
Minister of State,
Department for Education and Employment

SCHEDULE 1

Regulation 2(a)

Property and Rights to be transferred to the Further Education Funding Council

1. All rights of action against:
 - (a) any present or former officer, employee or agent of the corporation arising out of or connected with his contravention of his duties as such;
 - (b) any person for the recovery of the corporation's property including money (and including any profits arising out of the use of the same) removed or disposed of otherwise than regularly and with full propriety;
 - (c) any person who may have assisted in the removal or disposal of such property;
 - (d) any person arising out of or in connection with the provision by that person of professional services (including advice) in connection with the removal or disposal of such property;
 - (e) any person arising out of or in connection with the provision by that person of professional audit, accounting, investigating or reporting services at the request of the corporation or to the corporation, any company wholly or partly owned by the corporation, or to the Further Education Funding Council;
2. All shares or interests in shares owned by the corporation in any limited company registered under the Companies Act 1985⁽⁴⁾.

SCHEDULE 2

Regulation 2(b)

Liabilities to be transferred to Wulfrun College, Wolverhampton

1. All liabilities to Barclays Bank plc due from the corporation;
2. All liabilities to Wolverhampton Metropolitan Borough Council arising under section 37 of the Act;
3. All liabilities in respect of monies owed by the corporation to HM Customs and Excise, but excluding any liability in respect of monies owed to HM Customs and Excise by any company wholly or partly owned by the corporation;
4. All liabilities to any creditors, incurred in the proper conduct and management of the educational institution conducted by the corporation, the maintenance of its premises, and the supply of goods necessary for the corporation to deliver further education and associated services;
5. All liabilities in respect of claims arising out of section 26(2), (3) and (4) of the Act and the Transfer of Undertakings (Protection of Employment) Regulations⁽⁵⁾.

(4) 1985 c. 6.

(5) S.I. 1981/1794.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order dissolves with effect from 1st October 1999 the further education corporation established to conduct Bilston Community College. It provides for the transfer of the property and rights, save those specified in Schedule 1, together with the liabilities specified in Schedule 2, to Wulfrun College, Wolverhampton; and for the transfer to the Further Education Funding Council for England, of the property and assets specified in Schedule 1, together with all the residual liabilities. This Order also secures the rights of its employees by applying section 26(2) to (4) of the Further and Higher Education Act 1992.