



Further and Higher Education Act 1992

1992 CHAPTER 13

PART I

FURTHER EDUCATION

CHAPTER II

INSTITUTIONS WITHIN THE FURTHER EDUCATION SECTOR

Transfer of property, etc., to further education corporations

26 Transfer of staff to further education corporations.

- (1) This section applies to any person who immediately before the operative date in relation to a further education corporation established to conduct an institution which, on the date the corporation was established, was maintained by a local education authority^{F1}. . .—
 - (a) is employed by the transferor to work solely at the institution the corporation is established to conduct, or
 - (b) is employed by the transferor to work at that institution and is designated for the purposes of this section by an order made by the Secretary of State.
- (2) A contract of employment between a person to whom this section applies and the transferor shall have effect from the operative date as if originally made between that person and the corporation.
- (3) Without prejudice to subsection (2) above—
 - (a) all the transferor's rights, powers, duties and liabilities under or in connection with a contract to which that subsection applies shall by virtue of this section be transferred to the corporation on the operative date, and
 - (b) anything done before that date by or in relation to the transferor in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the corporation.

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- (4) Subsections (2) and (3) above are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by this section.
- (5) An order under this section may designate a person either individually or as a member of a class or description of employees.
- (6) References in this section, in relation to a further education corporation, to the transferor are—
- (a) in relation to a corporation established to conduct an institution which, on the date on which it was established, was maintained by a local education authority, [^{F2}references to that authority, and],
 - [^{F3}(b) in relation to a corporation established to conduct an institution which, on that date, was a foundation or voluntary aided school, references to the governing body of that school.]
- (7) For the purposes of this section—
- (a) a person employed by the transferor is to be regarded as employed to work at an institution if his employment with the transferor for the time being involves work at that institution, and
 - (b) subject to subsection (8) below, a person employed by the transferor is to be regarded as employed to work solely at an institution if his only employment with the transferor (disregarding any employment under a separate contract with the transferor) is for the time being at that institution.
- (8) A person employed by the transferor in connection with the provision of meals shall not be regarded for the purposes of subsection (7)(b) above as employed to work solely at an institution unless the meals are provided solely for consumption by persons at the institution.
- (9) ^{F4}.....

Textual Amendments

- F1** Words in s. 26(1) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 37(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**.
- F2** Words in s. 26(6) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 37(b)(i)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**.
- F3** S. 26(6)(b) substituted (1.9.1999) for s. 26(6)(b)(c) by 1998 c. 31, s. 140(1), **Sch. 30 para. 37(b)(ii)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**.
- F4** S. 26(9) repealed (1.10.2002) by Education Act 2002 (c. 32), s. 215, **Sch. 21 para. 14, Sch. 22 Pt. 1**, S.I. 2002/2439, {art. 2}

Modifications etc. (not altering text)

- C1** S. 26(1)-(5) applied (with modifications) (1.12.2002) by **The North Derbyshire Tertiary College (Dissolution) Order 2002** (S.I. 2002/1714), **art. 3**
- C2** S. 26(1)-(5) applied (with modifications) (1.8.2007) by **The Pershore Group of Colleges (Dissolution) Order 2007** (S.I. 2007/1793), **arts. 1, 3**
- C3** S. 26(2)(3)(4) applied (with modifications): (2.4.1993) by S.I. 1993/270, **art. 4**; (1.8.1994) by S.I. 1994/1478, **art. 4**; (1.8.1994) by S.I. 1994/1741, **art. 3**; (1.8.1994) by S.I. 1994/1754, **art. 3**; (1.8.1994) by S.I. 1994/1755, **art. 3**; (1.8.1994) by S.I. 1994/1830, **art. 3**; (1.8.1995) by S.I. 1995/1710, **art. 3**; (1.8.1995) by S.I. 1995/1711, **art. 3**; (15.8.1995) by S.I. 1995/1927, **art. 3**;

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- (1.9.1995) by S.I. 1995/2091, **art. 3**; (1.3.1996) by S.I. 1996/249, **art. 3**; (1.8.1996) by S.I. 1996/1744, **art. 3**; (1.8.1996) by S.I. 1996/1764, **art. 3**; (1.9.1996) by S.I. 1996/2084, **art. 3**; (6.1.1996) by S.I. 1996/3136, **art. 3**; (10.5.1997) by S.I. 1997/1168, **art. 3**; (1.8.1997) by S.I. 1997/513, **art. 3**; (18.2.1998) by S.I. 1998/156, **art. 3**; (1.8.1998) by S.I. 1998/1651, **art. 3**; (1.8.1998) by S.I. 1998/1652, **art. 3**; (1.8.1998) by S.I. 1998/1653, **art. 3**; (1.8.1998) by S.I. 1998/1654, **art. 3**; (1.8.1998) by S.I. 1998/1655, **art. 3**; (1.8.1998) by S.I. 1998/1656, **art. 3**; (1.8.1998) by S.I. 1998/1657, **art. 3**; (1.4.1999) by S.I. 1999/218, **art. 3**; (1.4.1999) by S.I. 1999/602, **art. 3**; (1.4.1999) by S.I. 1999/699, **art. 3**; (1.6.1999) by S.I. 1999/1285, **art. 3**; (1.8.1999) by S.I. 1999/1802, **art. 3**; (1.8.1999) by S.I. 1999/1919, **art. 3**; (1.8.1999) by S.I. 1999/1997, **art. 3**; (1.10.1999) by S.I. 1999/2544, **art. 3**; (1.1.2000) by S.I. 1999/3300, **art. 3**; (1.4.2000) by S.I. 2000/354, **art. 3**; (1.4.2000) by S.I. 2000/974, **art. 3**; (1.8.2000) by S.I. 2000/1684, **art. 3**; (1.8.2000) by S.I. 2000/1751, **art. 3**; (1.8.2000) by S.I. 2000/1806, **art. 3**; (1.9.2000) by S.I. 2000/2124, **art. 3**; (1.9.2000) by S.I. 2000/2172, **art. 3**; (1.11.2000) by S.I. 2000/2728, **art. 3**; (1.1.2001) by S.I. 2000/3219, **art. 3**; (31.3.2001) by S.I. 2001/781, **art. 3**; (1.8.2001) by S.I. 2001/2447, **art. 3**; (1.8.2001) by S.I. 2001/1532, **art. 3**; (1.8.2001) by S.I. 2001/1533, **art. 3**; (1.9.2001) by S.I. 2001/2898, **art. 3**; (1.11.2001) by S.I. 2001/3153, **art. 3**; (1.11.2001) by S.I. 2001/3154, **art. 3**; (1.1.2002) by S.I. 2001/3809, **art. 3**; (1.1.2002) by S.I. 2001/3833, **art. 3**; (1.2.2002) by S.I. 2001/4037, **art. 3**
- C4** S. 26(2)(3)(4) applied (with modifications) (1.3.2002) by The Mackworth College (Dissolution) Order 2002 (S.I. 2002/244), **art. 3**
S. 26(2)(3)(4) applied (with modifications) (1.3.2002) by The Broomfield Agricultural College (Dissolution) Order 2002 (S.I. 2002/243), **art. 3**
S. 26(2)(3)(4) applied (with modifications) (1.3.2002) by The Derby Tertiary College-Wilmorton (Dissolution) Order (S.I. 2002/245), {art. 3}
S. 26(2)(3)(4) applied (with modifications) (1.3.2002) by The East Yorkshire College of Further Education, Bridlington (Dissolution) Order 2002 (S.I. 2002/246), **art. 3**
S. 26(2)(3)(4) applied (with modifications) (1.8.2002) by The Brinsbury College (Dissolution) Order 2002 (S.I. 2002/1402), **art. 3**
S. 26(2)(3)(4) applied (with modifications) (1.8.2002) by The Teesside Tertiary College (Dissolution) Order 2002 (S.I. 2002/1695), **art. 3**
- C5** S. 26(2)(3)(4) applied (1.8.2003) by The Rugby College of Further Education (Dissolution) Order 2003 (S.I. 2003/516), arts. 1, **3**
- C6** S. 26(2)(3)(4) applied (with modifications) (1.8.2003) by The North Birmingham College (Dissolution) Order 2003 (S.I. 2003/1293), arts. 1, **3**
- C7** S. 26(2)(3)(4) applied (with modifications) (1.8.2003) by The Merrist Wood College (Dissolution) Order 2003 (S.I. 2003/1611), arts. 1, **3**
- C8** S. 26(2)(3)(4) applied (with modifications) (1.8.2003) by The Rycotewood College, Oxford College of Further Education and North Oxfordshire College and School of Art (Dissolution) Order 2003 (S.I. 2003/1610), arts. 1, **3**
- C9** S. 26(2)(3)(4) applied (with modifications) (31.10.2003) by The Park College (Dissolution) Order 2003 (S.I. 2003/2442), arts. 1, **3**
- C10** S. 26(2)(3)(4) applied (with modifications) (31.12.2003) by The Reading College and School of Arts and Design (Dissolution) Order 2003 (S.I. 2003/2918), arts. 1, **3**
- C11** S. 26(2)(3)(4) applied (with modifications) (1.8.2004) by The Daventry Tertiary College (Dissolution) Order 2004 (S.I. 2004/1598), arts. 1, **3**
- C12** S. 26(2)(3)(4) applied (with modifications) (1.8.2004) by The Rother Valley College (Dissolution) Order 2004 (S.I. 2004/1681), arts. 1, **3**
- C13** S. 26(2)(3)(4) applied (with modifications) (1.9.2004) by The Cannington College (Dissolution) Order 2004 (S.I. 2004/2024), arts. 1, **3**
- C14** S. 26(2)(3)(4) applied (with modifications) (1.3.2005) by The Tynemouth College and North Tyneside College (Dissolution) Order 2005 (S.I. 2005/94), arts. 1, **3**
- C15** S. 26(2)(3)(4) applied (with modifications) (1.8.2005) by The Crawley College and Haywards Heath College (Dissolution) Order 2005 (S.I. 2005/1113), arts. 1, **3**

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- C16 S. 26(2)(3)(4) applied (with modifications) (1.1.2006) by [The North Area College \(Dissolution\) Order 2005 \(S.I. 2005/3097\)](#), arts. 1, 3
- C17 S. 26(2)(3)(4) applied (with modifications) (1.4.2006) by [The Isle College \(Dissolution\) Order 2006 \(S.I. 2006/555\)](#), arts. 1, 3
- C18 S. 26(2)(3)(4) applied (with modifications) (1.6.2006) by [The Peoples College, Nottingham \(Dissolution\) Order 2006 \(S.I. 2006/1184\)](#), arts. 1, 3
- C19 S. 26(2)(3)(4) applied (with modifications) (1.8.2006) by [The Widnes and Runcorn Sixth Form College \(Dissolution\) Order 2006 \(S.I. 2006/1739\)](#), arts. 1, 3
- C20 S. 26(2)(3)(4) applied (with modifications) (1.8.2006) by [The Josiah Mason Sixth Form College, Erdington, Birmingham \(Dissolution\) Order 2006 \(S.I. 2006/1754\)](#), arts. 1, 3
- C21 S. 26(2)(3)(4) applied (with modifications) (1.1.2007) by [The Newark and Sherwood College \(Dissolution\) Order 2006 \(S.I. 2006/3160\)](#), arts. 1, 3
- C22 S. 26(2)(3)(4) applied (with modifications) (1.8.2007) by [The Skelmersdale College \(Dissolution\) Order 2007 \(S.I. 2007/1747\)](#), arts. 1, 3
- C23 S. 26(2)(3)(4) applied (with modifications) (1.8.2007) by [The Farnham College \(Dissolution\) Order 2007 \(S.I. 2007/1751\)](#), arts. 1, 3
- C24 S. 26(2)(3)(4) applied (with modifications) (1.8.2007) by [The Cricklade College, Andover \(Dissolution\) Order 2007 \(S.I. 2007/1752\)](#), arts. 1, 3
- C25 S. 26(2)(3)(4) applied (with modifications) (1.8.2007) by [The Keighley College \(Dissolution\) Order 2007 \(S.I. 2007/1754\)](#), arts. 1, 3
- C26 S. 26(2)(3)(4) applied (with modifications) (1.8.2007) by [The Spelthorne College, Ashford, Middlesex \(Dissolution\) Order 2007 \(S.I. 2007/1746\)](#), arts. 1, 3
- C27 S. 26(2)(3)(4) applied (with modifications) (1.9.2007) by [The North Trafford College of Further Education \(Dissolution\) Order 2007 \(S.I. 2007/1748\)](#), arts. 1, 3
- C28 S. 26(3) applied (with modifications) (31.10.2003) by [The Park College \(Dissolution\) Order 2003 \(S.I. 2003/2442\)](#), arts. 1, 3
- C29 S. 26(3) applied (with modifications) (31.12.2003) by [The Reading College and School of Arts and Design \(Dissolution\) Order 2003 \(S.I. 2003/2918\)](#), arts. 1, 3
- C30 S. 26(3) applied (with modifications) (1.8.2004) by [The Rother Valley College \(Dissolution\) Order 2004 \(S.I. 2004/1681\)](#), arts. 1, 3
- C31 S. 26(3) applied (with modifications) (1.9.2004) by [The Cannington College \(Dissolution\) Order 2004 \(S.I. 2004/2024\)](#), arts. 1, 3
- C32 S. 26(3) applied (with modifications) (1.1.2006) by [The North Area College \(Dissolution\) Order 2005 \(S.I. 2005/3097\)](#), arts. 1, 3
- C33 S. 26(3) applied (with modifications) (1.4.2006) by [The Isle College \(Dissolution\) Order 2006 \(S.I. 2006/555\)](#), arts. 1, 3
- C34 S. 26(3) applied (with modifications) (1.6.2006) by [The Peoples College, Nottingham \(Dissolution\) Order 2006 \(S.I. 2006/1184\)](#), arts. 1, 3
- C35 S. 26(3) applied (with modifications) (1.8.2006) by [The Widnes and Runcorn Sixth Form College \(Dissolution\) Order 2006 \(S.I. 2006/1739\)](#), arts. 1, 3
- C36 S. 26(3) applied (with modifications) (1.1.2007) by [The Newark and Sherwood College \(Dissolution\) Order 2006 \(S.I. 2006/3160\)](#), arts. 1, 3
- C37 S. 26(4) applied (with modifications) (31.10.2003) by [The Park College \(Dissolution\) Order 2003 \(S.I. 2003/2442\)](#), arts. 1, 3
- C38 S. 26(4) applied (with modifications) (31.12.2003) by [The Reading College and School of Arts and Design \(Dissolution\) Order 2003 \(S.I. 2003/2918\)](#), arts. 1, 3
- C39 S. 26(4) applied (with modifications) (1.8.2004) by [The Rother Valley College \(Dissolution\) Order 2004 \(S.I. 2004/1681\)](#), arts. 1, 3
- C40 S. 26(4) applied (with modifications) (1.9.2004) by [The Cannington College \(Dissolution\) Order 2004 \(S.I. 2004/2024\)](#), arts. 1, 3
- C41 S. 26(4) applied (with modifications) (1.1.2006) by [The North Area College \(Dissolution\) Order 2005 \(S.I. 2005/3097\)](#), arts. 1, 3

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- C42** S. 26(4) applied (with modifications) (1.4.2006) by [The Isle College \(Dissolution\) Order 2006 \(S.I. 2006/555\)](#), arts. 1, **3**
- C43** S. 26(4) applied (with modifications) (1.6.2006) by [The Peoples College, Nottingham \(Dissolution\) Order 2006 \(S.I. 2006/1184\)](#), arts. 1, **3**
- C44** S. 26(4) applied (with modifications) (1.8.2006) by [The Widnes and Runcorn Sixth Form College \(Dissolution\) Order 2006 \(S.I. 2006/1739\)](#), arts. 1, **3**
- C45** S. 26(4) applied (with modifications) (1.1.2007) by [The Newark and Sherwood College \(Dissolution\) Order 2006 \(S.I. 2006/3160\)](#), arts. 1, **3**

Commencement Information

- II** S. 26 partly in force; s. 26 in force for certain purposes at 30.9.1992 see s. 94(3) and [S.I. 1992/831](#), art. 2, **Sch. 2**, as amended by [S.I. 1992/2041](#), **art. 2(a)**

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