STATUTORY INSTRUMENTS

2000 No. 2729

EDUCATION, ENGLAND AND WALES

The Education Transfer Council (Winding up) Regulations 2000

Made - - - - -	*3rd October 2000*
Laid before Parliament	*6th October 2000*
Coming into force - -	*31st October 2000*

In exercise of the powers conferred on the Secretary of State by sections 137(3) and 138(7) of the School Standards and Framework Act 1998(**a**) the Secretary of State for Education and Employment hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Education Transfer Council (Winding up) Regulations 2000.

(2) These Regulations shall come into force on 31st October 2000.

2. In these Regulations:

"the Act" means the School Standards and Framework Act 1998;

"the 1988 Act" means the Education Reform Act 1988(**b**);

"the Council" means the Education Transfer Council(**c**); and

"the dissolution date" means the date, on which the Council is to be dissolved, specified in an order of the Secretary of State in accordance with regulation 3.

3. The Council shall be dissolved on such date as the Secretary of State may by order specify.

4. Prior to the dissolution date the Council shall—

(a) prepare, and submit to the Secretary of State for his approval, a plan for the disposal of property of the Council to persons other than the Secretary of State; and

(b) once the plan is approved by the Secretary of State, make arrangements for the disposal of the property in question in accordance with the plan.

5. The Council shall use their best endeavours to secure that any functions remaining to be discharged by them at any time after these Regulations come into force are discharged by such date or dates falling before the dissolution date as the Secretary of State may determine.

6. The Council shall prepare in respect of the period from 1st April 2000 a final statement of accounts and shall send a copy of the statement to the Secretary of State by 27th December 2000.

7. Any property, rights and liabilities to which the Council are entitled or subject immediately before the dissolution date (whether or not capable of being transferred or assigned by the Council) shall by virtue of these Regulations become property, rights and liabilities of the Secretary of State on that date.

(**a**) 1988 c. 31. For the meaning of "regulations" see section 142(1) of the Act.
(**b**) 1988 c. 40.
(**c**) The Education Transfer Council was originally known as the Education Assets Board; its name was changed by section 136(1) of the Act.

8. Any legal proceedings to which the Council are a party immediately before the dissolution date may be continued on or after that date by or in relation to the Secretary of State.

9. Every agreement (whether written or not) and every instrument or other document, which relates to any property, right or liability of the Council to which regulation 7 above applies shall have effect, so far as may be required for continuing its effect on or after the dissolution date, as if—

(a) where the Council is a party to it, the Secretary of State were substituted as that party,

(b) for any reference to the Council there were substituted a reference to the Secretary of State,

(c) for any reference (however worded and whether express or implied) to the chairman, the chief executive or any member of the Council there were substitued a reference to such officer or officers as the Secretary of State may appoint for the purpose, and

(d) for any reference to the office or place of business of the Council there were substituted a reference to the principal office of the Secretary of State.

Jacqui Smith
Parliamentary Under Secretary of State,
3rd October 2000 Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the dissolution of the Education Transfer Council by order of the Secretary of State (regulation 3) and for dealing with the property, rights and liabilities of the Council in connection with their dissolution (regulations 4 to 9) Regulation 4 deals with the preparation of a plan for the disposal of the property of the Council, regulations 5 and 6 deal with the exercise of the functions of the Council prior to the dissolution date and regulations 7 to 9 deal with property, rights and liabilities of the Council on dissolution, legal proceedings and construction of documents.

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