



Learning and Skills Act 2000

2000 CHAPTER 21

PART V

MISCELLANEOUS AND GENERAL

Other miscellaneous provisions

VALID FROM 01/10/2000

143 Further education sector: designated institutions.

- (1) Section 28 of the ^{M1}Further and Higher Education Act 1992 (designation for funding by Further Education Funding Councils) shall be amended as follows—
- (a) in subsection (1) for “as eligible to receive support from funds administered by the councils” substitute “for the purposes of this section”,
 - (b) subsection (2)(b) shall cease to have effect, and
 - (c) after subsection (2)(c) add—
- “or
- (d) an institution established for the purpose of being principally concerned with the provision of one or both of the kinds of education specified in subsection (1) above.”
- (2) The following shall be substituted for section 30 of the ^{M2}Further and Higher Education Act 1992 (special provision for voluntary aided sixth form colleges)—

“30 Special provision for certain institutions.

- (1) Notwithstanding anything in section 29 of this Act, the instrument of government of a designated institution to which this section applies must provide—

Status: Point in time view as at 28/07/2000. This version of this provision is not valid for this point in time.

Changes to legislation: Learning and Skills Act 2000, Section 143 is up to date with all changes known to be in force on or before 03 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) for the governing body of the institution to include persons appointed for the purpose of securing so far as practicable that the established character of the institution at the time of its designation is preserved and developed and, in particular, that the institution is conducted in accordance with any trust deed relating to it, and
 - (b) for the majority of members of the governing body to be such governors.
- (2) This section applies to—
- (a) an institution which, when designated, was a voluntary aided school, and
 - (b) an institution specified, or falling within a class specified, by the Secretary of State by order.
- (3) The Secretary of State may specify an institution or a class of institutions only if the institution or each member of the class is principally concerned with the provision of the education specified in section 28(1)(a) above.
- (4) The reference in subsection (1)(a) above to the established character of an institution is, in relation to an institution established shortly before or at the same time as being designated, a reference to the character which the institution is intended to have on its establishment.”
- (3) Section 32(2A) of the ^{M3}Further and Higher Education Act 1992 (transfer of property on designation) shall cease to have effect.
- (4) The Secretary of State may make an order providing for the constitution as a body corporate of the governing body of an institution in England which is designated under section 28 of the ^{M4}Further and Higher Education Act 1992.
- (5) The National Assembly for Wales may make an order providing for the constitution as a body corporate of the governing body of an institution in Wales which is designated under section 28 of the ^{M5}Further and Higher Education Act 1992.
- (6) An order under subsection (4) or (5) may—
- (a) make provision similar to any provision of section 18 or 19 of the ^{M6}Further and Higher Education Act 1992 (further education corporation: powers);
 - (b) make provision for the continuity of the body corporate, including provision for the continuation of anything done under section 29 of the ^{M7}Further and Higher Education Act 1992 (government and conduct of designated institutions);
 - (c) make provision expressed to have effect subject to the institution’s instrument or articles of government;
 - (d) make provision which confers exempt charitable status (for the purposes of the ^{M8}Charities Act 1993) and which relates to the governing body or to an institution administered by or established for the purposes of that body;
 - (e) make provision about the discontinuance of the institution;
 - (f) make provision about the dissolution of the body corporate (including provision about the treatment of property, rights and liabilities).
- (7) Before making an order in relation to an institution under subsection (4) or (5) the Secretary of State or the National Assembly shall consult—
- (a) the governing body of the institution, and

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(b) the trustees of any trust relating to the institution.

Commencement Information

II S. 143 wholly in force at 1.4.2001; s. 143 not in force at Royal Assent see s. 154; s. 143(1)(b)(c)(2)(4)(6)(7) in force for E. at 1.10.2000 by S.I. 2000/2559, art. 2(1), **Sch. Pt. I**; s. 143(1)(a)(3) in force for E. at 1.4.2001 by S.I. 2001/654, art. 2, **Sch. Pt. II**; s. 143 wholly in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, **Sch. Pt. I**

Marginal Citations

M1 1992 c. 13.
M2 1992 c. 13.
M3 1992 c. 13.
M4 1992 c. 13.
M5 1992 c. 13.
M6 1992 c. 13.
M7 1992 c. 13.
M8 1993 c. 10.

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