

2001 No. 782

EDUCATION, ENGLAND

**The Education (Publication of Draft Proposals and Orders)
(Further Education Corporations) (England)
Regulations 2001**

<i>Made</i> - - - -	<i>5th March 2001</i>
<i>Laid before Parliament</i>	<i>8th March 2001</i>
<i>Coming into force</i>	<i>1st April 2001</i>

In exercise of the power conferred on the Secretary of State by sections 51 and 89(4) of the Further and Higher Education Act 1992^(a) the Secretary of State for Education and Employment hereby makes the following Regulations—

Citation, commencement, interpretation and application

1.—(1) These regulations may be cited as the Education (Publication of Draft Proposals and Orders) (Further Education Corporations) (England) Regulations 2001 and shall come into force on 1st April 2001.

(2) In these Regulations—

“the Council” means the Learning and Skills Council for England;

“student” includes a pupil;

and a reference to a section is a reference to a section of the Further and Higher Education Act 1992.

(3) These Regulations apply in relation to England.

Information to be contained in draft proposals referred to in section 51(1)(a) and (b)

2. Draft proposals referred to in section 51(1)(a) and (b) (draft proposals for the establishment by the Secretary of State of a body corporate under section 16(1) or (3)) which are required to be published under section 51(2) shall give the following information—

(a) the name or proposed name of the institution concerned;

(b) its address;

(c) a general description of the education provided at the institution and of the education to be provided there when it is conducted by a further education corporation including, in both cases, the age range of students;

^(a) 1992 c. 13; section 51 was amended by section 111 of the Learning and Skills Act 2000 (c. 21); by virtue of S.I. 1999/672 the powers conferred by these sections are exercisable by the Secretary of State only in relation to England. For the definition of regulations see section 61.

- (d) in the case of an existing institution, whether it is a community, foundation, voluntary aided or voluntary controlled school or, if none of these, a brief description of its status;
- (e) in the case of an existing institution, the name of the local education authority, if any, which maintains it and, in the case of a voluntary or foundation school which has a religious character for the purposes of Part II of the School Standards and Framework Act 1998^(a) the name of the appropriate authority of any religious denomination concerned;
- (f) in the case of an existing institution other than a school—
 - (i) the number of full-time students, the number of part-time students and the total number of students on 1st November in the year preceding the year in which the draft proposals are published, and
 - (ii) the forecast number of full-time students, the forecast number of part-time students and the forecast total number of students on 1st November in the year in which the draft proposals are published (or, where the draft proposals are published on or after 1st November, in the year after that in which they were published);
- (g) in the case of an existing institution which is a school—
 - (i) the number of full-time students, the number of part-time students and the total number of students on 17th January in the year in which the draft proposals are published (or, where the draft proposals are published before 17th January, in the year before that in which they were published), and
 - (ii) the forecast number of full-time students, the forecast number of part-time students and the forecast total number of students on 17th January in the year after the year in which the draft proposals are published;
- (h) in the case of an institution which is to be established, the number of full-time students, the number of part-time students and the total number of students which are forecast for such time as the institution is fully operational;
- (i) the reason for proposing incorporation;
- (j) in the case of proposals for the establishment of a body corporate under section 16(1)—
 - (i) whether the further education corporation is to establish an educational institution or to conduct an existing institution, and
 - (ii) in the case of an existing institution, whether the governing body has consented to the establishment of a further education corporation to conduct the institution;
- (k) the date proposed for the establishment of the further education corporation and the date from when it is proposed that the corporation should conduct the institution;
- (l) the name proposed for the further education corporation which is to conduct the institution;
- (m) in the case of proposals for the establishment of a body corporate under section 16(3)—
 - (i) a statement that the governing body of the institution and the local education authority who maintain the institution have consented to the publication of the proposals (unless section 51(3A)^(b) does not apply); or
 - (ii) where, by virtue of section 110(5) of the Learning and Skills Act 2000, section 51(3A) does not apply, a statement to that effect.

Information to be contained in draft proposals referred to in section 51(1)(c)

3. Draft proposals referred to in section 51(1)(c) (draft proposals for the dissolution of any further education corporation by the Secretary of State under section 27) which are required to be published under section 51(2) shall give the following information—

(a) 1998 c. 31.

(b) Section 51(3A) was inserted by section 111 of the Learning and Skills Act 2000.

- (a) the name of the further education corporation;
- (b) the name of the institution concerned (if different);
- (c) its address;
- (d) a general description of the education provided at the institution;
- (e) the number of full-time students, the number of part-time students and the total number of students at the institution;
- (f) the reason for proposing dissolution of the corporation;
- (g) the date proposed for the dissolution of the corporation; and
- (h) the educational provision to be made for those students who have not completed their courses on that date.

Time and manner of publication of proposals referred to in section 51(1)

4.—(1) Draft proposals referred to in section 51(1) (draft proposals for the establishment by the Secretary of State of a body corporate under section 16(1) or (3) or the dissolution of any further education corporation by the Secretary of State under section 27) which are required to be published by the Council under section 51(2) shall be published (in accordance with paragraphs (2) and (4)) at least 4 months before the date specified in the draft proposals for the establishment or dissolution of the further education corporation.

(2) The Council shall publish a summary of the proposal—

- (a) in at least one newspaper circulating in the area served, or to be served, by the institution to which the draft proposal relates;
- (b) by posting it in at least one conspicuous place within that area; and
- (c) in the case of a draft proposal which relates to an existing institution, by posting it in a conspicuous place at or near the main entrance to that institution.

(3) The summary shall state that a copy of the draft proposal may be obtained free of charge from the Council and the Council shall send a copy of the draft proposal to any person who requests it.

(4) The Council shall send a copy of the draft proposal to—

- (a) the local education authority in whose area the institution is situated or is proposed to be situated;
- (b) the governing body of any institution within the further education sector, or of any school maintained by a local education authority which provides full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years, within the locality; and
- (c) any other person who appears to the Council to have an interest.

Period for making representations

5. The period referred to in section 51(2)(b), within which representations which have to be considered by the Council may be made, is a period of one month beginning on the day the last of the events described in regulation 4(2) or (4) above takes place.

Publication etc. of orders referred to in section 51(3)(a)

6.—(1) The following matters are prescribed for the purposes of section 51(3) in relation to orders referred to in section 51(3)(a) (orders under section 16(1) other than orders made for the purpose of giving effect to a proposal by the Council)—

- (a) the draft order shall be published (in accordance with sub-paragraph (b)) no later than two months before the date specified in it for the establishment of the body corporate;
- (b) a summary of the draft order shall be published—
 - (i) in at least one newspaper circulating in the area served, or to be served, by the institution to which the draft order relates;

- (ii) by posting it in at least one conspicuous place within that area; and
- (iii) in the case of a draft order which relates to an existing institution, by posting it in a conspicuous place at or near the main entrance to that institution.

(2) The summary shall state that a copy of the draft order may be obtained free of charge from the Secretary of State and the Secretary of State shall send a copy of the draft order to any person who requests it.

(3) The Secretary of State shall send a copy of the draft order to—

- (a) the local education authority in whose area the institution is situated or is proposed to be situated; and
- (b) the governing body of any institution within the further education sector, or of any school maintained by a local education authority which provides education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years, within the locality; and
- (c) any other person who appears to the Secretary of State to have an interest.

Publication etc. of orders referred to in section 51(3)(b)

7. The following matters are prescribed for the purposes of section 51(3) in relation to orders referred to in section 51(3)(b) (orders made under section 16(3) other than orders made for the purpose of giving effect to a proposal by the Council), namely, the draft order shall be published no later than two months before the date specified in it for the establishment of a body corporate by sending a copy to—

- (a) the governing body of the institution referred to therein;
- (b) the local education authority, if any, which maintains the institution and, in the case of a voluntary or foundation school which has a religious character for the purposes of Part II of the School Standards and Framework Act 1998, the appropriate authority of any religious denomination concerned, and
- (c) any other person who appears to the Secretary of State to have an interest.

Revocation and transitional provisions

8.—(1) The Education (Publication of Draft Proposals and Orders) Regulations 1992(a) (“the 1992 Regulations”) are hereby revoked.

(2) For the purposes of regulation 5 anything done pursuant to regulation 4 of the 1992 Regulations shall be treated as done under the corresponding provision of regulation 4 of these Regulations.

5th March 2001

Tessa Blackstone
Minister of State,
Department for Education and Employment

(a) S.I. 1992/2361.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which apply in relation to England) prescribe the time and manner of publication and content of draft proposals made by the Learning and Skills for England (“the Council”) for the establishment and dissolution of further education corporations. These Regulations also provide for the time and manner of publication of draft orders for the establishment of further education corporations by the Secretary of State under section 16(1) and (2) of the Further and Higher Education Act 1992, where such orders are not made for the purpose of giving effect to proposals made by the Council.

These Regulations revoke the Education (Publication of Draft Proposals and Orders) (Further Education Corporations) Regulations 1992 and re-enact their provisions with amendments consequential on the Learning and Skills Act 2000 and the new framework for maintained schools contained in Part II of the School Standards and Framework Act 1998.

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