
STATUTORY INSTRUMENTS

2002 No. 1714

EDUCATION, ENGLAND

The North Derbyshire Tertiary College (Dissolution) Order 2002

Made - - - - *3rd July 2002*
Laid before Parliament *4th July 2002*
Coming into force - - *1st December 2002*

Whereas the Secretary of State for Education and Skills has received a proposal from the Learning and Skills Council for England (“the Council”), 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 North Derbyshire Tertiary College⁽²⁾ (“the corporation”).

Now therefore, in exercise of the powers conferred on her by section 27 of the Act, the Secretary of State, after consulting the corporation and with the consent of Chesterfield College⁽³⁾ and of North Nottinghamshire College⁽⁴⁾ each being a further education corporation, and with the consent of Derbyshire County Council, being a local education authority, hereby makes the following Order.

1. This Order may be cited as the North Derbyshire Tertiary College (Dissolution) Order 2002 and shall come into force on 1st December 2002.

2. On 31st December 2002 the corporation shall be dissolved and—

- (a) all of the corporation’s property, rights and liabilities specified in Part 1 of the Schedule to this Order shall be transferred to Chesterfield College;
- (b) all of the corporation’s property, rights and liabilities specified in Part 2 of the Schedule to this Order shall be transferred to North Nottinghamshire College;
- (c) all of the corporation’s property, rights and liabilities specified in Part 3 of the Schedule to this Order shall be transferred to The Derbyshire County Council; and
- (d) all other property, rights and liabilities belonging to the corporation shall be transferred to the Council.

3. Section 26(1) to (5) of the Act shall apply to any person employed by the corporation immediately before 31st December 2002—

- (a) as if for subsection (1) there were substituted the following subsection—

(1) [1992 c. 13](#).
(2) Established by The Education (Further Education Corporations) Order 1992 (S.I.1992/2097) under the name of North Derbyshire Tertiary College.
(3) Also established by S.I. [1992/2097](#) under the name of Chesterfield College of Technology and Arts.
(4) Also established by S.I. [1992/2097](#) under the name of North Nottinghamshire College of Further Education, Worksop.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- “(1) This section applies to any person who immediately before 31st December 2002 is employed by the corporation to work at North Derbyshire Tertiary College and is designated for the purposes of this section by an order made by the Secretary of State”; and
- (b) as if the references in subsections (2) to (4)—
- (i) to the operative date were to 31st December 2002;
 - (ii) to the transferor were to the corporation; and
 - (iii) to the corporation were to whichever of Chesterfield College, North Nottinghamshire College or The Derbyshire County Council as is specified in an Order made under section 26(1) of the Act as so modified.

4. The property transferred to The Derbyshire County Council in accordance with Regulation 2(c) above shall be held by it upon trust for the provision of education within the County of Derbyshire with power for it to dispose by sale or letting of any such property in accordance with the requirements of the Charities Act 1993⁽⁵⁾ and to apply all monies received whether capital or income to such provision.

3rd July 2002

Margaret Hodge
Minister of State,
Department for Education and Skills

(5) 1993 c. 10.

SCHEDULE

Regulation 2

PART 1

Property, Rights and Liabilities to be transferred to Chesterfield College

1. The interests and associated rights and liabilities of the corporation in the premises being:
 - (i) Clowne College; and
 - (ii) Cresswell Community Learning Opportunity Centre and Markland site.
2. All other property, rights and liabilities of the Corporation used enjoyed and incurred by it to deliver further education and associated services from the premises as described above or arising therefrom.

PART 2

Property, Rights and Liabilities to be transferred to North Nottinghamshire College

3. The interest and associated rights and liabilities of the corporation in the premises being The Community Learning Opportunity Centre at Kiveton and Wales.
4. All other property, rights and liabilities of the Corporation used enjoyed and incurred by it to deliver further education and associated services from the premises as described above or arising therefrom.

PART 3

Property, Rights and Liabilities to be transferred to Derbyshire County Council

5. The interests and associated rights and liabilities of the corporation in the premises being:
 - (a) The Community Learning Opportunity Centre sites at:
 - (i) Bolsover;
 - (ii) Whaley Thorns;
 - (iii) Clay Cross;
 - (iv) Carr Vale;
 - (v) Killamarsh; and
 - (vi) Shirebrook; and
 - (b) Manor College Chesterfield.
6. All other property, rights and liabilities of the corporation used enjoyed and incurred by it to deliver adult community education and associated services from the premises as described above or arising therefrom.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order dissolves with effect from 31st December 2002 the further education corporation established to conduct North Derbyshire Tertiary College. It provides for the transfer of its property, rights and liabilities to Chesterfield College, North Nottinghamshire College, Derbyshire County Council as the local education authority, and the Learning and Skills Council for England.

The property, rights and liabilities which the first three of these bodies will receive are set out in the Schedule. Part 1 lists those to be transferred to Chesterfield College, Part 2 lists those to be transferred to North Nottinghamshire College and Part 3 lists those to be transferred to Derbyshire County Council. The remainder will be transferred to the Learning and Skills Council for England.

This Order also provides for the protection of the rights of those North Derbyshire Tertiary College employees who, immediately before 31st December 2002, are employed by that college to work at the college and who are named or described in a separate Order to be made by the Secretary of State. It does so by applying section 26(2) to (5) of the Further and Higher Education Act 1992 and a modified section 26(1) of that Act.