

**EXPLANATORY MEMORANDUM TO  
THE TYNEMOUTH COLLEGE AND NORTH TYNESIDE COLLEGE  
(DISSOLUTION) ORDER 2005**

**2005 No.94**

- 1.** This explanatory memorandum has been prepared by The Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Description**

- 2.1 This instrument dissolves the Corporations of Tynemouth College and North Tyneside College and transfers its property, rights and liabilities to the Corporation of Tyne Metropolitan College on 1 March 2005. This follows a proposal made to the Secretary of State by the Learning and Skills Council for England.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None.

**4. Legislative Background**

- 4.1 Section 27 of the Further and Higher Education Act 1992 gives the Secretary of State the power to dissolve further education corporations and to transfer the property, rights and liabilities of a corporation to any person or body corporate established to provide educational facilities or services.
- 4.2 In accordance with section 51 of the Further and Higher Education Act 1992 and Statutory Instrument 2001 No 782 (The Education (Publication of Draft Proposals and Orders)(Further Education Corporations)(England) Regulations 2001) , there has been a local public consultation prior to the proposal being made to the Secretary of State by the Learning and Skills Council for England.

**5. Extent**

- 5.1 This instrument applies to England.
- 5.2 This instrument applies only to the named further education corporations.

**6. European Convention on Human Rights**

The Minister of State for Lifelong Learning, Further and Higher Education, Kim Howells has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of The Tynemouth College and North Tyneside College (Dissolution) Order 2005 are compatible with the Convention rights.

## **7. Policy background**

- 7.1 Section 27 of the Further and Higher Education Act 1992 gives the Secretary of State the power to dissolve further education corporations and to transfer the property, rights and liabilities of a corporation to any person or body corporate established to provide educational facilities or services with the consent of the person or body in question.
- 7.2 The Corporations of Tynemouth College and North Tyneside College proposed the merger of the two colleges following the creation of Tyne Metropolitan College. This was incorporated under SI 2004/3108. In accordance with section 27 of the Further and Higher Education Act 1992, the Corporation of Tyne Metropolitan College has given its consent to accept the property, rights and liabilities of the two colleges. In this case the merger is achieved by the dissolutions of Tynemouth College and North Tyneside College and the transfer of its property, rights and liabilities on that date to Tyne Metropolitan College.
- 7.3 In accordance with Further and Higher Education Act 1992 and The Education (Publication of Draft Proposals and Orders)(Further Education Corporations) (England) Regulations 2001 (SI 2001/782) there has been a full public consultation on this proposal. The proposal was fully supported and received no objections.

## **8. Impact**

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

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