

2010 No. 2609

EDUCATION, ENGLAND

The Education (Publication of Proposals) (Sixth Form College Corporations) (England) Regulations 2010

<i>Made</i>	- - - -	<i>26th October 2010</i>
<i>Laid before Parliament</i>		<i>2nd November 2010</i>
<i>Coming into force</i>	- -	<i>24th November 2010</i>

The Secretary of State for Education, in exercise of the powers conferred by sections 33C(3), 33N(3) and 89(4) of the Further and Higher Education Act 1992(a), makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Education (Publication of Proposals) (Sixth Form College Corporations) (England) Regulations 2010 and come into force on 24th November 2010.

(2) In these Regulations—

“the Act” means the Further and Higher Education Act 1992; and

“student” includes a pupil(b).

(3) These Regulations apply in relation to England.

Information to be contained in proposals to establish sixth form college corporations

2. The information prescribed(c) for the purposes of section 33C(3)(b) of the Act (establishment of new bodies corporate as sixth form college corporations) is set out in Part 1 of the Schedule to these Regulations.

Information to be contained in proposals to dissolve sixth form college corporations

3. The information prescribed for the purposes of section 33N(3)(b) of the Act (dissolution of sixth form college corporations) is set out in Part 2 of the Schedule to these Regulations.

Time and manner of publication of proposals to establish or dissolve sixth form college corporations

4.—(1) The prescribed time and prescribed manner of publication of a proposal for the purposes of sections 33C(3)(a) and 33N(3)(a) of the Act is as provided for by paragraphs (2) to (5).

(a) 1992 c.13. Sections 33C and 33N of the Further and Higher Education Act 1992 (“the Act”) were inserted by paragraphs 1 and 3 of Schedule 8 to the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”) (c.22).

(b) For the definition of “pupil” see section 3(1) of the Education Act 1996 (c.56).

(c) “Prescribed” means prescribed in regulations. See section 90(5) of the Act and section 579 of the Education Act 1996.

(2) A proposal to establish or dissolve a sixth form college corporation must be published at least 4 months before the date which is specified in the proposal for the establishment or dissolution of the sixth form college corporation.

(3) The local authority must 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 proposal relates;
- (b) by posting it in at least one conspicuous place within that area; and
- (c) in the case of a proposal which relates to an existing institution, by posting it in a conspicuous place at or near the main entrance to that institution or, if there is more than one main entrance, all of them.

(4) The local authority must include in the summary a statement that the proposal may be obtained free of charge from the local authority and send a copy free of charge to any person who requests it.

(5) The local authority must send a copy of the proposal to—

- (a) the governing body of any institution within the further education sector^(a), or any school maintained by a local authority which provides full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19 years, within the local authority;
- (b) the Young People’s Learning Agency for England^(b);
- (c) the Chief Executive of Skills Funding^(c);
- (d) the Member of Parliament in whose constituency the institution is situated or is proposed to be situated;
- (e) any other Member of Parliament whose constituents it appears to the local authority are likely to be affected by the proposal; and
- (f) any other person who appears to the local authority to have an interest.

(6) In this regulation, “local authority” means the “responsible local authority” within the meaning of section 90 of the Act.

Period for making representations

5. The period prescribed, for the purposes of sections 33C(3)(c) and 33N(3)(c) of the Act, is a period of one month beginning on the day on which the last of the events described in regulation 4(3) or (5) takes place.

26th October 2011

Jonathan Hill
Parliamentary Under Secretary of State
Department for Education

(a) For the definition of “institutions within the further education sector” see section 91(3) of the Act.
(b) The Young People’s Learning Agency for England was established by section 60 of the 2009 Act.
(c) The Chief Executive of Skills Funding was established by section 81 of the 2009 Act.

SCHEDULE

Regulations 2 and 3

Information to be contained in proposals to establish or dissolve sixth form college corporations

PART 1

1. —(1) The information is as follows.
- (2) In all cases—
 - (a) the proposed name of the sixth form college corporation which is to conduct the institution and the proposed name of the institution (if different);
 - (b) the address or the proposed address of the institution concerned;
 - (c) the date on which it is proposed that the sixth form college corporation is to be established and the date on which it is proposed that the corporation should conduct the institution;
 - (d) on the date on which it is proposed the sixth form college corporation will be established, the percentage of its total enrolment number who will be over compulsory school age but under 19(a); and
 - (e) the reason for proposing the establishment of a body corporate as a sixth form college corporation.
- (3) In the case of all existing institutions, a general description of the education provided by the institution and of the education to be provided there when it is conducted by a sixth form college corporation including, in both cases, the age range of the students.
- (4) In the case of an existing institution which is a school—
 - (a) the number of full-time students, the number of part-time students and the total number of students on 17th January in the year preceding the year in which the proposals are to be published;
 - (b) 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 in which the proposals are to be published (or where the proposals are published on or after 17th January, in the year after the year in which they were published);
 - (c) whether it is a community foundation, voluntary aided or voluntary controlled school or, if none of these, a brief description of its status; and
 - (d) where the school is a voluntary or foundation school with a religious character for the purposes of Part 2 of the School Standards and Framework Act 1998(b), the name of the appropriate authority of any religious denomination concerned.
- (5) In the case of an existing institution which is not a school—
 - (a) the number of full-time students, the number of part-time students and the total number of students on 1st November in the year in which the proposals are published (or, where the proposals are published before 1st November, in the year preceding the year in which they were published), and
 - (b) 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 after the year in which the proposals are published.

(a) Section 33C(5) of the Act provides that the total enrolment number of an institution is to be calculated in accordance with paragraph 1(2) of Schedule 3 to the Act.

(b) 1998 c.31. Pursuant to section 69(3) of the School Standards and Framework Act 1998, a voluntary or foundation school has a religious character for the purposes of Part 2 if it is designated as a school having such a character by an order made by the Secretary of State.

- (6) In the case of an institution which is to be established—
- (a) a general description of the education to be provided there when it is conducted by a sixth form college corporation, including the age range of the students; and
 - (b) 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.

PART 2

1. The information is as follows—

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 33C of the Further and Higher Education Act 1992 (“the Act”) gives the Secretary of State power to establish, by order, a sixth form college corporation. Before the Secretary of State may make such an order, the local authority must first publish proposals in line with requirements set out in section 33C(3). Section 33N of the Act gives the Secretary of State power to dissolve, by order, a sixth form college corporation. Before making such an order, the local authority must first publish proposals in line with requirements set out in section 33N(3). These Regulations (which apply in relation to England) prescribe the time and manner of publication and the content of proposals made by the local authority for the establishment or dissolution of sixth form college corporations, for the purposes of sections 33C(3) and 33N(3).

Regulation 2 and Part 1 of the Schedule set out the information which should be included in any proposal by the local authority to establish a sixth form college corporation.

Regulation 3 and Part 2 of the Schedule set out the information which should be included in any proposal by the local authority to dissolve a sixth form college corporation.

Regulation 4 sets out the time and manner in which proposals to establish or dissolve a sixth form college corporation must be published. Publication must be no less than four months before the date proposed for the establishment or dissolution of the sixth form college corporation.

Regulation 5 sets out the period during which representations may be made to a local authority about proposals to establish or dissolve a sixth form college corporation. The period is one month from the date on which the proposal has been published or sent to one of the persons referred to in regulation 4.

No impact assessment has been prepared for these regulations because no significant impact on local authorities, or the private or voluntary sectors, is foreseen.

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Corporations) (England) Regulations 2010

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