
STATUTORY INSTRUMENTS

2011 No. 1038

EDUCATION, ENGLAND

**The St Mary's College, Middlesbrough
(Dissolution) Order 2011**

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| <i>Made</i> | - - - - | <i>1st April 2011</i> |
| <i>Laid before Parliament</i> | | <i>7th April 2011</i> |
| <i>Coming into force</i> | - - | <i>31st July 2011</i> |

The Secretary of State for Education makes the following Order in exercise of the powers conferred by section 33N(1), (2) and (8) of the Further and Higher Education Act 1992⁽¹⁾ (“the 1992 Act”).

In accordance with section 33N(2) of the 1992 Act, Middlesbrough Borough Council have made a proposal that the sixth form college corporation established to conduct St Mary's College, Middlesbrough⁽²⁾ (“St Mary's corporation”) be dissolved and it appears to the Secretary of State that the requirements in section 33N(3) of that Act have been met in relation to the proposal⁽³⁾.

The Secretary of State has consulted St Mary's corporation and the Young People's Learning Agency for England⁽⁴⁾ in accordance with section 33N(9) of the 1992 Act, and in relation to section 33N(4) the governing body of Trinity Catholic College, Middlesbrough⁽⁵⁾ has consented to the transfer of St Mary's corporation's property, rights and liabilities.

Citation and commencement

1. This Order may be cited as the St Mary's College, Middlesbrough (Dissolution) Order 2011 and comes into force on 31st July 2011.

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- (1) [1992 c.13](#). Section 33N of the Further and Higher Education Act 1992 (“the 1992 Act”) was inserted by paragraph 3 of Schedule 8 to the Apprenticeships, Skills, Children and Learning Act [2009 \(c.22\)](#) (“the 2009 Act”).
- (2) The sixth form college corporation having been established as such by the Initial Sixth Form College Corporation Designation (England) Order 2010 ([S.I. 2010/624](#)), having previously been established as a body corporate by the Education (Designated Sixth Form Colleges) (Incorporation) (England) Order 2001 ([S.I. 2001/1119](#)).
- (3) The Education (Publication of Proposals) (Sixth Form College Corporations) (England) Regulations 2010 ([S.I. 2010/2609](#)) prescribe the time and manner of publication and the content of proposals made by a local authority for the dissolution of sixth form college corporations, for the purposes of section 33N(3) of the 1992 Act.
- (4) The Young People's Learning Agency for England was established by section 60 of the 2009 Act.
- (5) The governing body of Trinity Catholic College being the body corporate constituted in accordance with regulations under section 19 of the Education Act [2002 \(c.32\)](#).

Dissolution of the corporation of St Mary's College, Middlesbrough

2. On 31st July 2011 the corporation of St. Mary's College, Middlesbrough ("St Mary's corporation") is dissolved and its property, rights and liabilities are transferred to the governing body of Trinity Catholic College, Middlesbrough.

Transfer of staff

3. Section 26(1), (2), (3), (4), (7) and (8) of the Further and Higher Education Act 1992 applies to a contract of employment between a person employed by St Mary's corporation immediately before 31st July 2011 and that corporation, as if—

- (a) the reference in subsection (1)—
 - (i) to the operative date were a reference to 31st July 2011;
 - (ii) to a further education corporation established to conduct an institution were a reference to St Mary's corporation;
 - (iii) to the transferor were a reference to St Mary's corporation;
 - (iv) the words in paragraph (b) "and is designated for the purposes of this section by an order made by the Secretary of State" were omitted;
- (b) the reference in subsection (2) to a person to whom section 26 applies were a reference to a person employed by St Mary's corporation;
- (c) any reference in subsection (2) or (3)—
 - (i) to the operative date were a reference to 31st July 2011;
 - (ii) to the transferor were a reference to St Mary's corporation;
 - (iii) to the corporation were a reference to the governing body of Trinity Catholic College, Middlesbrough;
- (d) the reference in subsection (3) to a contract to which subsection (2) applies were a reference to a contract of employment between a person employed by St Mary's corporation and that corporation;
- (e) the reference in subsection (4) to the change of employer effected by this section were a reference to the change of employer effected by this Order;
- (f) any reference in subsection (7) and (8) to the transferor were a reference to St Mary's corporation.

1st April 2011

Jonathan Hill
Parliamentary Under Secretary of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Order)

This Order dissolves the sixth form corporation established to conduct St Mary's College, Middlesbrough with effect from 31st July 2011. It provides for the transfer of its property, rights and liabilities to the governing body of Trinity Catholic College, Middlesbrough and secures the rights of its employees by applying, with modifications, section 26 of the Further and Higher Education Act 1992.

An impact assessment has not been prepared for this statement as it has no wider impact on the costs of business, charities or voluntary bodies. The impact on the public sector is minimal.