

## EXPLANATORY MEMORANDUM TO

### THE WRITTLE UNIVERSITY COLLEGE HIGHER EDUCATION CORPORATION (DISSOLUTION) ORDER 2023

2023 No. 1365

#### 1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of His Majesty.

#### 2. Purpose of the instrument

- 2.1 This instrument provides for the dissolution of Writtle University College (“WUC”) and the transfer of its property, rights and liabilities to Anglia Ruskin University (“ARU”).

#### 3. Matters of special interest to Parliament

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

- 3.1 None.

#### 4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument (that is the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.
- 4.2 The application of this instrument (that is where the instrument produces a practical effect) is England.

#### 5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

#### 6. Legislative Context

- 6.1 WUC and ARU are higher education corporations established under the Education Reform Act 1988 (“the ERA”). The two institutions have proposed a merger, which will involve the dissolution of WUC and the transfer of its property, rights and liabilities to ARU. Following the merger, ARU will deliver the higher education provision delivered by WUC prior to the merger, and Writtle College, a new further education institution operated by Writtle College Limited (“WCL”), a subsidiary of ARU, will deliver the further education provision delivered by WUC prior to the merger.
- 6.2 Section 127A(1) of the ERA provides that, where requested to do so by notice given by a higher education corporation in England, the Secretary of State may make an order providing for the dissolution of the corporation and the transfer of its property, rights and liabilities to (i) a person appearing to the Secretary of State to be wholly or mainly engaged in the provision of educational facilities or services of any description; (ii) a body corporate established for purposes which include the provision

of such facilities or services; (iii) the Office for Students (“the OfS”), the regulator for higher education in England.

- 6.3 WUC has given notice requesting that the Secretary of State make an order under section 127A providing for its dissolution and the transfer of its property, rights and liabilities to ARU.
- 6.4 ARU is a body corporate established for purposes which include the provision of educational facilities and services within the meaning of section 127A(1)(b)(ii) of the ERA. It has consented to the transfer of property, rights and liabilities in accordance with section 127A(2). It is also a charity established for charitable purposes which are exclusively educational within the meaning of section 127A(3), so section 127(4) is not engaged.
- 6.5 Before making this Order, the Secretary of State has consulted the OfS in accordance with section 127A(5), as detailed further below.
- 6.6 This Order will come into force on 29 February 2024, with the dissolution occurring at 5.00pm on that day. This timing is to enable preliminary steps connected to the merger to take place prior to the dissolution of WUC and the transfer of its assets and liabilities. These steps include the designation of Writtle College for the purposes of section 28 of the Further and Higher Education Act 1992 (“the FHEA”), which will bring the college within the further education sector as defined in section 91(3) of the FHEA, and the transfer by WUC of its property, rights and liabilities relating to its further education provision to WCL.
- 6.7 The Order does not make provision for the transfer of employees of WUC, who will be transferred pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 in accordance with a merger agreement agreed between WUC, WCL and ARU.

## **7. Policy background**

### *What is being done and why?*

- 7.1 In July 2023 WUC and ARU announced a proposal to merge the two institutions. The merger is intended to secure a long-term, sustainable future for WUC’s education provision, and to bring together the two institutions’ strengths across education and research.
- 7.2 Following the merger, ARU will deliver the higher education provision delivered by WUC prior to the merger. WUC’s further education provision will be delivered by a new further education institution (Writtle College) operated by WCL, a subsidiary of ARU. Writtle College is being designated under section 28 of the FHEA.
- 7.3 WUC has given notice requesting that the Secretary of State make this Order in order to complete the merger.

## **8. European Union Withdrawal and Future Relationship**

- 8.1 This instrument does not relate to withdrawal from the European Union.

## **9. Consolidation**

- 9.1 This instrument is not suitable for consolidation with any other instrument.

**10. Consultation outcome**

- 10.1 The Secretary of State has consulted the OfS before making this Order as required by section 127A(5) of the ERA. The OfS has confirmed that the merger is not expected to give rise to an increased risk to ARU's compliance with its registration conditions, or requirements relating to its degree awarding powers and university title. The OfS will continue to monitor this following completion of the merger.

**11. Guidance**

- 11.1 None needed.

**12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 A full Impact Assessment has not been prepared for this instrument because no businesses are affected by this Order.

**13. Regulating small business**

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

**14. Monitoring & review**

- 14.1 Ongoing review and monitoring of this legislation will not be necessary.

**15. Contact**

- 15.1 Martin Courbet at the Department for Education. [Martin.Courbet@education.gov.uk](mailto:Martin.Courbet@education.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Zoe Forbes, Deputy Director, at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Minister Halfon, at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.