EXPLANATORY MEMORANDUM TO

THE EASTON AND OTLEY COLLEGE (INCORPORATION) ORDER 2012

2012 No. 1748

AND

THE EASTON AND OTLEY COLLEGE (GOVERNMENT) REGULATIONS 2012

2012 No. 1749

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This incorporation order establishes a new further education corporation to be known as Easton and Otley College and will come into force on 31st July 2012.

2.2 The regulations provide for the governance of the new corporation.

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

3.1 None

4. Legislative Background

4.1 Sections 16(1) and 17 of the Further and Higher Education Act 1992 give the Secretary of State the power to incorporate a further education corporation to establish and conduct a further education college.

4.2 Sections 20(2), 21(1) of, and Schedule 4 to, the Further and Higher Education Act 1992 give the Secretary of State the power to prescribe the initial Instrument and Articles of Government for a further education corporation.

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5. Extent

5.1 These instruments apply to England.

5.2 These instruments apply only to the named further education corporation.

6. European Convention on Human Rights

As both instruments are subject to the negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

7.1 The Corporations of Easton College, Norwich and Otley College of Agriculture and Horticulture, Suffolk, have proposed the merger of the two colleges. This will be achieved by the incorporation of Easton and Otley College, to be followed by the dissolution of each of the existing colleges and the transfer of the property, rights, and liabilities of each college to the Corporation of Easton and Otley College.

7.3 The public consultation identified broad support for the proposal. Both existing colleges are land based further education colleges. The proposed merger has been preceded by several years of increasing collaborative work between the two colleges. The merger of the colleges will create a substantial specialist land based college intended to safeguard the provision that is key to the industry in this area. It is well supported by the local stakeholders.

8. Consultation outcome

8.1 As the proposal to dissolve the corporations was made by the Chief Executive of Skills Funding before 1st April 2012, the transitional provisions set out in article 7 of the Education Act 2011 (Commencement no. 3) Order 2012 (S.I. 2012/924) apply. Accordingly, the full public consultation was conducted in accordance with section 51 of the Further and Higher Education Act 1992 and the Education (Publication of Draft Proposals and Orders)(Further Education Corporations)(England) Regulations 2001 (SI 2001/782).

8.2.1 343 responses were received in respect of the proposal from staff, students, local businesses and educational establishments. Of these 79% were in support of the proposed merger; the responses opposed to the merger were on such grounds as value for money and the proposed name for the new college, and these concerns were addressed following the consultation.

9. Guidance

9.1 As these instruments affect only the named college, no guidance is necessary and any persons affected by the change will be informed by the college.

10. Impact

An Impact Assessment has not been prepared for these instruments as they have no wider impact on business, charities or voluntary bodies. The impact on the public sector is minimal.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring and review

12.1 Not applicable.

13. Contact

Kathryn Harrison at the Department for Business, Innovation, and Skills Tel: 0114 207 5316 or e-mail: kathryn.harrison@bis.gsi.gov.uk can answer any queries regarding these instruments.