EXPLANATORY MEMORANDUM TO

THE EDUCATION (DESIGNATED INSTITUTIONS IN FURTHER EDUCATION) (NO. 2) (REVOCATION) ORDER 2026

2026 No. 575

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. Declaration

2.1 Baroness Jacqui Smith, Minister for Skills at the Department for Education confirms that this Explanatory Memorandum meets the required standard.

2.2 Roger Cotes, Director for Regional Performance of the FE sector at the Department for Education confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Susan Shakespeare at the Department for Education can be contacted by email at the following address with any queries regarding the instrument: susan.shakespeare@education.gov.uk. Alternatively, the department can be contacted by telephone: 0370 000 2288.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The Order revokes the Education (Designated Institutions in Further Education) (No. 2) Order 1993 ("the 1993 Order"). The 1993 Order designated that Northern College, (commonly known as The Northern College for Residential Adult Education) for the purposes of section 28 of the Further and Higher Education Act 1992 ("the 1992 Act"). The provision delivered by Northern College was transferred to Barnsley College, a FE Corporation, on 1 March 2026 and is run as a campus of Barnsley College. The Northern College is no longer operating as a separate institution and therefore the designation of this institution is now redundant. The revocation of the 1993 Order will remove that designation.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England. The 1993 Order originally applied to England and Wales. However, the relevant education powers under the 1992 Act were devolved to the Welsh Assembly by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and the current application of the 1993 Order is therefore England.

5. Policy Context

What is being done and why?

5.1 Section 28 of the 1992 Act gives the Secretary of State the power to designate, by means of an Order, an educational institution providing further education for the purposes of that section, bringing the institution within the further education sector, as defined by section 91(3) of the 1992 Act. Following Royal Assent this act came into force in 1993. The Secretary of State exercised powers conferred by the 1992 Act to designate several institutions to enable them to receive funding as these institutions could not become corporations when colleges were first incorporated under the 1992 Act. Northern College, Barnsley operated by The Northern College for Residential Adult Education Limited was one of the original designated institutions in 1993, it was designated by The Education (Designated Institutions in Further Education) (No. 2) Order 1993.

What was the previous policy, how is this different?

5.2 The Northern College for Residential Adult Education Limited which runs the designated institution has faced significant financial challenges around recruitment of learners and income. In line with DfE published oversight guidance it was placed in intervention in April 2021, and this was escalated to 'supervised college status' in November 2022.

5.3 In 2021 the Further Education Commissioner (FEC) identified a merger with Barnsley College as the most viable solution to ensure stability and continuity of the existing educational offer. Following discussions between the leaders and governors of the two colleges the Northern College, Barnsley met in June 2025 and unanimously agreed to initiate merger discussions with Barnsley College as a matter of urgency. Following a due diligence process the decision to merger was ratified by both boards in January 2026 and the merger took place on 1st March 2026 by way of the transfer of assets and liabilities from The Northern College for Residential Adult Education Limited to the Barnsley College corporation. Barnsley College is continuing to provide adult education from the Wentworth site.

6. Legislative and Legal Context

How has the law changed?

6.1 The Northern College will no longer be designated for the purposes of s28 Further and Higher Education Act 1992. As the Northern College no longer exists as a separate institution this will have no significant legal implications.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes. This ensures the removal of a previous Order which has no continuing legal effect because the institution to which it applies no longer exists as a separate institution.

7. Consultation

Summary of consultation outcome and methodology

7.1 A full public consultation was undertaken by the college from 17 October 2025 to 17 November 2025. The outcome and summary of the public consultation was published.

8. Applicable Guidance

8.1 No guidance is being published.

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is no significant impact for business.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector. Whilst the Northern College is being de-designated, the provision has continued as a campus of Barnsley College at the existing Wentworth Castle site. The efficiencies gained through the merger will over time enable the college to reduce overheads.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The changes which will be implemented through this Statutory Instrument are not subject to formal review.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).