EXPLANATORY MEMORANDUM TO THE

EDUCATION (LEEDS COLLEGE OF MUSIC) (TRANSFER TO THE HIGHER EDUCATION SECTOR) ORDER 2005

2005 No. 1792

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

2. Description

This Statutory Instrument will bring into effect the transfer of the Leeds College of Music from the Further Education Sector to the Higher Education Sector.

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

None

4. Legislative Background

4.1 Section 122A of the Education Reform Act 1988 makes provision for the transfer of a further education corporation to the higher education sector if it appears to the Secretary of State that the full-time equivalent enrolment number of the further education college for its higher education courses exceeds 55% of its total full-time equivalent enrolment.

5. Extent

This instrument applies to England.

6. European Convention on Human Rights

No statement is required.

7. Policy background

7.1 The purpose of section 122A is to ensure that, if the balance of Further Education / Higher Education provision within an institution changes over time, the institution can be relocated to the most appropriate sector. The transfer decision is, however, left to the Secretary of State with each case considered on its own merits.

7.2 Consideration is given as to whether the change in the balance is more than a temporary phenomenon and whether transfer to the Higher Education sector would have an adverse effect on the Further Education provision. In this case the Department has confirmed that the College meets the 55% requirement for both 2002-03 and 2003-04.

7.3 It is clear therefore, that the College is now predominately Higher Education and that this is not a temporary phenomenon. The Learning and Skills Council has also received an assurance from the College that the Further Education provision will be maintained. On this basis the Minister of State has agreed Leeds College of Music should transfer from the Further Education to the Higher Education sector.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Gudrun Groves at the Department for Education and Skills Tel: 020 7925 5214 or e-mail: gudrun.groves@defs.gsi.gov.uk can answer any queries regarding the instrument.