EXPLANATORY MEMORANDUM TO

THE EDUCATION (PUBLICATION OF DRAFT PROPOSALS AND ORDERS) (FURTHER EDUCATION CORPORATIONS) (ENGLAND) (AMENDMENT) REGULATIONS 2010

2010 No. 789

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. Purpose of the instrument

These Regulations amend the Education (Publication of Draft Proposals and Orders) (Further Education Corporations) (England) Regulations 2001 (SI 2001/782) ("the Principal Regulations") as a consequence of the abolition of the Learning and Skills Council for England ("the LSC") under the Apprenticeships, Skills, Children and Learning Act 2009 ("the 2009 Act"). They remove the references to the LSC and insert references to its successor bodies, the Chief Executive of Skills Funding and the Young People's Learning Agency for England ("the YPLA").

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

The amendments made to regulations 4 and 6 of the Principal Regulations address a criticism of the drafting, identified by the JCSI in its 14th Report for 2001.

4. Legislative Context

4.1 The Principal Regulations were made under section 51 of the Further and Higher Education Act 1992 and they govern the time and manner of publication of proposals for the establishment and dissolution of further education corporations. These regulations amend the Principal Regulations, in order to implement changes made under the 2009 Act.

4.2 Under the 2009 Act, responsibility for funding education and training for young people over compulsory school age but under 19 was transferred from the LSC to local education authorities. The 2009 Act established the YPLA which will support local education authorities and created the office of Chief Executive of Skills Funding, who will be responsible for skills provision for adults.

4.3 The amendments to regulations 4 and 6 of the Principal Regulations, which provide that any draft order or proposal will now be posted at all the main entrances of the institution, where there is more than one of them, fulfils an undertaking given by the Department to the JCSI to make this amendment at the earliest opportunity.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Section 51 of the Further and Higher Education Act 1992 provides that any proposal to incorporate or dissolve a further education corporation must follow the prescribed process set out in regulations.

7.2 The Principal Regulations prescribe the time and manner of publication and content of any draft proposal or order.

7.3 Amendments made to section 51 of the 1992 Act, have the effect of replacing the references to the Learning and Skills Council with the Chief Executive of Skills Funding; and these regulations therefore amend the Principal Regulations in order to reflect this.

8. Consultation outcome

8.1 A draft of these regulations was sent to all general further education institutions, with an explanation of the proposed changes, and they were invited to give their comments to the Department. The consultation lasted from December 2009 until March 2010. The Department received no comments on the proposed draft regulations.

9. Guidance

9.1 The Chief Executive of Skills Funding will in due course issue guidance on the process for the incorporation and dissolution of colleges.

10. Impact

10.1 The impact on business, charities or voluntary bodies is none.

10.2 The impact on the public sector is none.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Not applicable.

13. Contact

Kath Jakubiak at the Department for Business, Innovation and Skills Tel: 0114 259 1165 or e-mail: kath.jakubiak@bis.gsi.gov.uk can answer any queries regarding the instrument.