EXPLANATORY MEMORANDUM TO

THE NORTH AREA COLLEGE (DISSOLUTION) ORDER 2005

2005 No. 3097

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 This instrument dissolves the Corporation of North Area College and transfers its property, rights and liabilities to the Corporation of Stockport College of Further and Higher Education on 1 January 2006. This follows a proposal made to the Secretary of State by the Learning and Skills Council for England.

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

3.1 None.

4. Legislative Background

4.1 Section 27 of the Further and Higher Education Act 1992 gives the Secretary of State the power to dissolve further education corporations and to transfer the property, rights and liabilities of a corporation to any person or body corporate established to provide educational facilities or services.

4.2 In accordance with section 51 of the Further and Higher Education Act 1992 and Statutory Instrument 2001 No 782 (The Education (Publication of Draft Proposals and Orders)(Further Education Corporations)(England) Regulations 2001), there has been a local public consultation prior to the proposal being made to the Secretary of State by the Learning and Skills Council for England.

5. Extent

5.1 This instrument applies to England.

5.2 This instrument applies only to the named further education corporations.

6. European Convention on Human Rights

6.1 The Minister of State for Lifelong Learning, Further and Higher Education, Bill Rammell has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of The North Area College (Dissolution) Order 2005 are compatible with the Convention rights.

7. Policy background

7.1 Section 27 of the Further and Higher Education Act 1992 gives the Secretary of State the power to dissolve further education corporations and to transfer the property, rights and liabilities of a corporation to any person or body corporate established to provide educational facilities or services with the consent of the person or body in question.

7.2 The Corporations of North Area College and Stockport College of Further and Higher Education have proposed the merger of the two colleges. This will be achieved by the dissolution of North Area College and the transfer of its property, rights, and liabilities to the Corporation of Stockport College of Further and Higher Education. In accordance with section 27 of the Further and Higher Education Act 1992, the Corporation of Stockport College of Further and Higher Education has given its consent to accept the property, rights and liabilities of North Area College.

7.3 In accordance with 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) there has been a full public consultation, which identified broad support for the proposal.

8. Impact

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

9. Contact

9.1 Vickie Wood at the Department for Education and Skills Tel: 0114 259 3824 or e-mail: vickie.wood@dfes.gsi.gov.uk can answer any queries regarding the instrument.