EXPLANATORY MEMORANDUM TO

THE PERSHORE GROUP OF COLLEGES (DISSOLUTION) ORDER 2007

2007 No. 1793

AND

THE PERSHORE GROUP OF COLLEGES (DESIGNATED STAFF) ORDER 2007

2007 No. 1794

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

2.1 The dissolution order dissolves the Corporation of the Pershore Group of Colleges and transfers its property, rights and liabilities to the Corporations of Warwickshire College, Royal Leamington Spa, Rugby and Moreton Morrell ("Warwickshire College") and Herefordshire College of Technology on 1 August 2007. This follows a proposal made to the Secretary of State by the Learning and Skills Council for England.

2.2 The designated staff order designates for the purpose of section 26 of the Further and Higher Education Act 1992 (as modified by the dissolution order) certain staff who are employed by the Pershore Group of Colleges to work there immediately before 1st August 2007. The Schedule lists the members of staff whose contracts of employment will pass to either Warwickshire College or Herefordshire Contract of Technology.

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.

4.3 Section 26 of the Further and Higher Education Act 1992 provides for the transfer of contracts of employment of staff employed at institutions which are to be conducted by further education corporations to those corporations. The dissolution order modifies section 26(1), providing for the protection of the rights of those employees of

the Pershore Group of Colleges who immediately before 1st August 2007 were employed by the Pershore Group of Colleges.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

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

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 the Pershore Group of Colleges and Warwickshire College and Herefordshire College of Technology have proposed the dissolution of the Pershore Group of Colleges and the transfer of its property, rights, and liabilities to the Corporations of Warwickshire College and Herefordshire College of Technology. In accordance with section 27 of the Further and Higher Education Act 1992, the Corporations of Warwickshire College and Herefordshire College of Technology have given their consent to accept the property, rights and liabilities of the Pershore Group of Colleges.

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.

7.4 In accordance with section 26, as modified by the dissolution order, the contracts of employment of the staff listed in the Schedule to the designated staff order, will transfer either to Warwickshire College or to Herefordshire College of Technology.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for these instruments as they have 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 these instruments.