EXPLANATORY MEMORANDUM TO

THE ROCHDALE SIXTH FORM COLLEGE (INCORPORATION) ORDER 2008

2008 No. 1773

AND

THE ROCHDALE SIXTH FORM COLLEGE (GOVERNMENT) REGULATIONS 2008

2008 No. 1790

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

2. Description

2.1 This incorporation order establishes a new further education corporation to be known as the Rochdale Sixth Form College and will come into force on 1 August 2008.

2.2 The regulations provide for the governance of the new corporation.

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

3.1 None

4. Legislative Background

4.1 Sections 16(1) and 17 of the Further and Higher Education Act 1992 give the Secretary of State the power to incorporate a further education corporation to establish and conduct a further education college.

4.2 Sections 20(2), 21(1) and (2) of, and Schedule 4 to, the Further and Higher Education Act 1992 give the Secretary of State the power to prescribe the Instrument and Articles of Government for a further education college corporation.

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 These instruments apply to England.

5.2 These instruments apply only to the named further education corporations.

6. European Convention on Human Rights

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

7. Policy background

7.1 The Rochdale Education Partnership (comprising Rochdale Metropolitan Borough Council, Hopwood Hall College, Rochdale Association of Secondary Headteachers and the Learning and Skills Council, supported by Oldham Sixth Form college) has proposed the incorporation of a new sixth form college in Rochdale. The new college will support the continued improvement in academic achievement within Rochdale.

7.2 Section 16 of the Further and Higher Education Act 1992 gives the Secretary of State the power to incorporate a new further education corporation. Sections 20(2), 21(1) and (2) of, and Schedule 4 to, the Further and Higher Education Act 1992 give the Secretary of State the power to prescribe an Instrument and Articles of Government for the new corporation.

7.3 The public consultation identified broad support for the proposal.

8. Impact

An Impact Assessment has not been prepared for this instrument as it has no wider impact on business, charities or voluntary bodies. The impact on the public sector is minimal.

9. Contact

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