EXPLANATORY MEMORANDUM TO

THE SOUTH KENT COLLEGE, FOLKESTONE (DISSOLUTION) ORDER 2010

2010 No. 623

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

2.1 This instrument dissolves the further education Corporation of South Kent College, Folkestone ("South Kent College") and transfers the property, rights and liabilities to the Corporation of West Kent College, Tonbridge, Kent ("West Kent College") on 31 March 2010. 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 Context

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. Territorial Extent and Application

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

7. Policy background

7.1 The Corporations of South Kent College and West Kent College have proposed the merger of the colleges. This will be achieved by the dissolution of South Kent College and the transfer of its property, rights, and liabilities to the Corporation of West Kent College. The merger is intended to further improve the range and quality of further education provision in Kent.

7.2 In accordance with section 27 of the Further and Higher Education Act 1992, the Corporation of West Kent College has given its consent to accept the property, rights and liabilities of the college being dissolved.

8. Consultation outcome

8.1 The public consultation identified broad support for the proposal, with no significant concerns raised.

9. Guidance

9.1 As this instrument affects only the named colleges, no guidance is necessary and any persons affected by the change will be informed by the colleges.

10. Impact

10.1 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.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 As this instrument concerns the dissolution of the named colleges, no monitoring or review is necessary.

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.