EXPLANATORY MEMORANDUM TO

THE SOUTH STAFFORDSHIRE COLLEGE (INCORPORATION) ORDER 2008

2008 No. 1733

AND

THE SOUTH STAFFORDSHIRE COLLEGE (GOVERNMENT) REGULATIONS 2008

2008 No. 1734

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.

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

2. Description

2.1 This incorporation order establishes a new further education corporation to be known as the South Staffordshire 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 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 Corporations of Rodbaston College, Cannock Chase Technical College and Tamworth and Lichfield College have proposed the merger of the three colleges. This will be achieved by the incorporation of the South Staffordshire College, to be followed by the dissolution of each of the existing colleges and the transfer of the property, rights, and liabilities of each college to the Corporation of the South Staffordshire College.

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. The merger is intended to substantially improve the capacity to meet the education and training needs in south Staffordshire.

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.