EXPLANATORY MEMORANDUM TO

THE TYNE METROPOLITAN COLLEGE (INCORPORATION) ORDER 2004

2004 No. 3108

THE TYNE METROPOLITAN COLLEGE (GOVERNMENT) REGULATIONS 2004

2004 No. 3109

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

These instruments incorporate a new further education corporation to be known as Tyne Metropolitan College on 1 January 2005. They also provide for the governance of the new corporation. 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

None.

4. Legislative Background

4.1 Sections 16(1) and 17 of the Further and Higher Education Act 1992 gives 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) and 89(4) of, and Schedule 4 to, the Further and Higher Education Act 1992 gives 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 This instrument applies to England.

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

6. European Convention on Human Rights

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

6.2 In my view the provisions of the Tyne Metropolitan College (Incorporation) Order 2004 and the Tyne Metropolitan College (Government) Regulations 2004 are compatible with the Convention rights.

7. Policy background

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) and 89(4) of, and Schedule 4 to, the Further and Higher Education Act 1992 gives the Secretary of State the power to prescribe an Instrument and Articles of Government for the new corporation.

8. Impact

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

9. Contact

Ian Pursglove at the Department for Education and Skills Tel: 0114 259 3393 or e-mail: ian.pursglove@dfes.gsi.gov.uk can answer any queries regarding the instrument.