



Further Education and Training Act 2007

2007 CHAPTER 25

PART 2

FURTHER EDUCATION INSTITUTIONS

Other provisions relating to further education institutions

21 Powers of a further education corporation to form or be involved in certain bodies corporate

- (1) Section 19 of FHEA 1992 (supplementary powers of a further education corporation) is amended as set out in subsections (2) to (6).
- (2) In subsection (4), for paragraph (bb), substitute—
 - “(bb) form, participate in forming or invest in a company,
 - (bc) form, participate in forming or otherwise become a member of a charitable incorporated organisation (within the meaning of section 69A of the Charities Act 1993),”.
- (3) For subsection (4A) substitute—
 - “(4A) The power conferred by subsection (4)(bb) above may not be exercised for the purpose of—
 - (a) conducting an educational institution, or
 - (b) investing in a company conducting an educational institution.
 - (4AA) The power conferred by subsection (4)(bc) above may not be exercised for the purpose of—
 - (a) conducting an educational institution, or
 - (b) becoming a member of a charitable incorporated organisation conducting an educational institution.
 - (4AB) But a restriction on the exercise of a power imposed by subsection (4A) or (4AA) above shall not apply to the extent that the appropriate authority

Status: This is the original version (as it was originally enacted).

consents to the exercise of the power in a way which does not comply with the restriction.

(4AC) In subsection (4AB) above “the appropriate authority” means—

- (a) in relation to a further education corporation in England, the Learning and Skills Council for England;
- (b) in relation to a further education corporation in Wales, the Welsh Ministers.”

(4) In subsection (4B), for the words from the beginning to “be exercised” substitute “Neither the power conferred by subsection (4)(bb) above nor the power conferred by subsection (4)(bc) above may be exercised”.

(5) In subsection (4C), after “subsection (4)(bb) above” insert “or the power conferred by subsection (4)(bc) above”.

(6) At the end, insert—

“(8) A reference in this section to investing in a company includes a reference to becoming a member of the company and to investing in it by the acquisition of any assets, securities or rights or otherwise.”

(7) In relation to the period beginning on 1st April 2001 and ending immediately before the coming into force of this section, the power conferred by section 19(4)(bb) of FHEA 1992 is to be taken to have included power to form, participate in forming or become a member of a company limited by guarantee.