
STATUTORY INSTRUMENTS

1992 No. 2361

EDUCATION, ENGLAND AND WALES

**The Education (Publication of Draft Proposals and Orders)
(Further Education Corporations) Regulations 1992**

<i>Made</i>	- - - -	<i>2nd October 1992</i>
<i>Laid before Parliament</i>		<i>5th October 1992</i>
<i>Coming into force</i>	- -	<i>26th October 1992</i>

In exercise of the powers conferred on the Secretary of State by sections 51, 61(1)(1) and 89(4) of the Further and Higher Education Act 1992(2), the Secretary of State for Education, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following regulations:

1.—(1) These Regulations may be cited as the Education (Publication of Draft Proposals and Orders) (Further Education Corporations) Regulations 1992 and shall come into force on 26th October 1992.

(2) In these Regulations—

- (a) “the Council” means the Further Education Funding Council for England or the Further Education Funding Council for Wales, as the case may be;
- (b) in these Regulations “student” includes a pupil; and
- (c) a reference to a section or Schedule is a reference to a section of or Schedule to the Further and Higher Education Act 1992.

2. Draft proposals which are required to be published by the Council under section 51(1)(a) and (b) and (2) (draft proposals for the establishment by the Secretary of State of a body corporate under section 16(1) or (3)) shall give the following information—

- (a) the name or proposed name of the institution concerned;
- (b) its address;
- (c) a general description of the education provided at the institution and of the education to be provided there when it is conducted by a further education corporation including, in both cases, the age range of students;
- (d) in the case of an existing institution, whether it is an institution of further or higher education maintained by a local education authority or a county, voluntary controlled,

(1) See the definition of “regulations”.
(2) 1992 c. 13.

- voluntary aided, special agreement or grant-maintained school or, if none of these, a brief description of its status;
- (e) in the case of an existing institution, the name of the local education authority, if any, which maintains it and, in the case of a voluntary school, the name of the appropriate authority of any religious denomination concerned;
- (f) in the case of an existing institution other than a school—
- (i) the number of full-time students, the number of part-time students and the total number of students on 1st November in the year preceding the year in which the draft proposals are published, and
 - (ii) the forecast number of full-time students, the forecast number of part-time students and the forecast total number of students on 1st November in the year in which the draft proposals are published.
- (g) in the case of an existing institution which is a school—
- (i) the number of full-time students, the number of part-time students and the total number of students on 17th January in the year in which the draft proposals are published, and
 - (ii) the forecast number of full-time students, the forecast number of part-time students and the forecast total number of students on 17th January in the year after the year in which the draft proposals are published;
- (h) in the case of an institution which is to be established, the number of full-time students, the number of part-time students and the total number of students which are forecast for such time as the institution is fully operational;
- (i) in the case of proposals for the establishment of a body corporate under section 16(3), a description of the kind and quantity of further education provided at the institution which is neither—
- (i) full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years, nor
 - (ii) part-time education suitable to the requirements of persons of any age over compulsory school age, where the education is provided by means of a course of a description mentioned in Schedule 2, nor
 - (iii) full-time education suitable to the requirements of persons who have attained the age of nineteen years, where the education is provided by means of a course of a description mentioned in Schedule 2;
- (j) the reason for proposing incorporation;
- (k) in the case of proposals for the establishment of a body corporate under section 16(1)—
- (i) whether the further education corporation is to establish an educational institution or to conduct an existing institution, and
 - (ii) in the case of an existing institution, whether the governing body has consented to the establishment of a further education corporation to conduct the institution;
- (l) the date proposed for the establishment of the further education corporation and the date from when it is proposed that the corporation should conduct the institution; and
- (m) the name proposed for the further education corporation which is to conduct the institution.
- 3.** Draft proposals which are required to be published by the Council under section 51(1)(c) and (2) (draft proposals for the dissolution of any further education corporation by the Secretary of State under section 27) shall give the following information—
- (a) the name of the further education corporation;

- (b) the name of the institution concerned (if different);
- (c) its address;
- (d) a general description of the education provided at the institution;
- (e) the number of full-time students, the number of part-time students and the total number of students at the institution;
- (f) the reason for proposing dissolution of the corporation;
- (g) the date proposed for the dissolution of the corporation; and
- (h) the educational provision to be made for those students who have not completed their courses on that date.

4.—(1) Draft proposals which are required to be published by the Council under section 51(1) and (2) (draft proposals for the establishment by the Secretary of State of a body corporate under section 16(1) or (3) or the dissolution of any further education corporation by the Secretary of State under section 27) shall be published at least 4 months before the date specified in the draft proposals for the establishment or dissolution of the further education corporation.

(2) The Council shall publish a summary of the proposal—

- (a) in at least one newspaper circulating in the area served, or to be served, by the institution to which the draft proposal relates;
- (b) by posting it in at least one conspicuous place within that area; and
- (c) in the case of a draft proposal which relates to an existing institution, by posting it in a conspicuous place at or near the main entrance to that institution.

(3) The summary shall state that a copy of the draft proposal may be obtained free of charge from the Council and the Council shall send a copy of the draft proposal to any person who requests it.

(4) The Council shall send a copy of the draft proposal to—

- (a) the local education authority in whose area the institution is situated or is proposed to be situated;
- (b) the governing body of any institution within the further education sector, or of any school maintained by a local education authority or grant-maintained school which provides full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years, within the locality; and
- (c) any other person who appears to the Council to have an interest.

5. The period referred to in section 51(2)(b), within which representations which have to be considered by the Council may be made, is a period of one month beginning on the day the last of the events described in regulation 4(2) or (4) above takes place.

6.—(1) The following matters are prescribed for the purposes of section 51(3)(a)—

- (a) the draft order shall be published no later than two months before the date specified in it for the establishment of a body corporate;
- (b) a summary of the draft order shall be published—
 - (i) in at least one newspaper circulating in the area served, or to be served, by the institution to which the draft order relates;
 - (ii) by posting it in at least one conspicuous place within that area; and
 - (iii) in the case of a draft order which relates to an existing institution, by posting it in a conspicuous place at or near the main entrance to that institution.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) The summary shall state that a copy of the draft order may be obtained free of charge from the Secretary of State and the Secretary of State shall send a copy of the draft order to any person who requests it.

(3) The Secretary of State shall send a copy of the draft order to—

- (a) the local education authority in whose area the institution is situated or is proposed to be situated; and
- (b) the governing body of any institution within the further education sector, or of any school maintained by a local education authority or grant-maintained school which provides full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years, within the locality; and
- (c) any other person who appears to the Secretary of State to have an interest.

7. The following matters are prescribed for the purposes of section 51(3)(b), namely, the draft order shall be published no later than two months before the date specified in it for the establishment of a body corporate by sending a copy to—

- (a) the governing body of the institution referred to therein,
- (b) the local education authority, if any, which maintains the institution and in the case of a voluntary school, the appropriate authority of any religious denomination concerned, and
- (c) any person who appears to the Secretary of State to have an interest.

2nd October 1992

John Patten
Secretary of State for Education

2nd October 1992

Wyn Roberts
Minister of State, Welsh Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the time and manner of publication and content of draft proposals made by the Further Education Funding Councils for England and Wales for the establishment and dissolution of further education corporations. These Regulations also provide the time and manner of publication of draft orders for the establishment of further education corporations by the Secretary of State under section 16(1) and (2) of the Further and Higher Education Act 1992.