

LEARNING AND SKILLS ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part V - Miscellaneous and General

Sections 143 and 144: designated institutions

204. Under the statutory regime established by the Further and Higher Education Act 1992 most institutions within the FE sector are governed by an FE corporation. In addition, other institutions may form part of the FE sector if they are designated under section 28 of that Act (as amended by this Act to allow new institutions to be designated). The categories of institution that may be designated include voluntary aided schools. The governing bodies of voluntary aided schools were unincorporated when the institutions were designated and entered the FE sector in 1993, and remained unincorporated after entering. Their position became anomalous after all governing bodies of schools in the maintained sector were incorporated as a result of section 238 of the Education Act 1993.
205. Subsections (4) to (7) of [section 143](#) provide for the incorporation of the governing bodies of former voluntary aided schools which are in the FE sector and any new ones that may enter the FE sector in future, removing the anomaly. Subsection (2) amends section 30 of the 1992 Act to extend to new designated institutions that may enter the FE sector in future the current provisions which preserve the established character of the institution and provide for the institution's trustees to form a majority of the governing body.
206. [Section 144](#) requires the trustees of such an institution to inform the LSC or the CETW if they dispose of land held by them which was acquired or enhanced in value wholly or partly by money paid by way of grant under the Education Act 1996 or the School Standards and Framework Act 1998. If the trustees dispose of the land, they must pay to the LSC or the CETW so much of the proceeds as is just. The amount may be determined by agreement with the LSC or the CETW or be determined by the Secretary of State. This provision applies only to institutions designated under section 28 of the 1992 Act after this provision comes into force.