



Further Education and Training Act 2007

2007 CHAPTER 25

PART 2

FURTHER EDUCATION INSTITUTIONS

Further education corporations

14 Incorporation of further education institutions

- (1) Section 16 of FHEA 1992 (incorporation of further education institutions) is amended as set out in subsections (2) to (4).
- (2) In subsection (1) for “The Secretary of State” substitute “The appropriate authority”.
- (3) In subsection (3)—
 - (a) for “The Secretary of State” substitute “The appropriate authority”, and
 - (b) in paragraph (b), for “his” substitute “the appropriate authority's”.
- (4) After subsection (5) insert—
 - “(6) In this section “the appropriate authority” means—
 - (a) in relation to an educational institution in England, the Learning and Skills Council for England, and
 - (b) in relation to an educational institution in Wales, the Welsh Ministers.”
- (5) In section 17(2) of FHEA 1992 (meaning of “operative date”)—
 - (a) omit the word “and” at the end of paragraph (a),
 - (b) at the end of that paragraph insert—
 - “(aa) in the case of a further education corporation in England established under section 16 of this Act, such date as the Learning and Skills Council for England may by order appoint in relation to that corporation, and”, and
 - (c) in paragraph (b)—

- (i) after “further education corporation” insert “in Wales”, and
- (ii) for “the Secretary of State” substitute “the Welsh Ministers”.

15 Dissolution of further education corporations

- (1) Section 27 of FHEA 1992 (orders dissolving further education corporations) is amended as follows.
- (2) In subsections (1), (2)(a) and (6), for “the Secretary of State” substitute “the appropriate authority”.
- (3) In subsection (3), omit paragraph (a) and the “or” following it.
- (4) After subsection (3) insert—
 - “(3A) An order under this section made by the Learning and Skills Council for England in respect of a further education corporation in England may provide for the transfer to the council of property, rights and liabilities of the corporation.
 - (3B) The council must obtain the consent of the Secretary of State before making provision of a kind mentioned in subsection (3A).”
- (5) In subsection (7)—
 - (a) for “the Secretary of State” substitute “the Welsh Ministers”, and
 - (b) omit paragraph (b) and the “and” preceding it.
- (6) Omit subsection (8).
- (7) After subsection (8) insert—
 - “(9) In this section “the appropriate authority” means—
 - (a) in relation to a further education corporation in England, the Learning and Skills Council for England, and
 - (b) in relation to a further education corporation in Wales, the Welsh Ministers.”

16 Publication of proposals

- (1) Section 51 of FHEA 1992 (publication of proposals for establishment or dissolution of further education corporation) is amended as follows.
- (2) For subsections (1) and (2) substitute—
 - “(1) The Learning and Skills Council for England may not make—
 - (a) an order under section 16(1) or (3) establishing a body corporate, or
 - (b) an order under section 27 dissolving a further education corporation, unless it has satisfied the requirements in subsections (2) and (2A).
 - (2) The first requirement is that the council publishes a proposal relating to the order, giving such information as may be prescribed, by such time and in such manner as may be prescribed.
 - (2A) The second requirement is that the council considers any representations about the proposal made to it within the prescribed period.”

- (3) In subsection (3), for the words from the beginning to “he has” substitute “The Welsh Ministers shall not make an order under section 16(1) or (3) unless they have”.
- (4) In subsection (3A), for “A draft proposal or order” substitute “A proposal or a draft order”.