SCHEDULES

SCHEDULE 8

Section 125

SIXTH FORM COLLEGE SECTOR

1 The Further and Higher Education Act 1992 (c. 13) is amended as follows.

2 In section 17(1) (meaning of "further education corporation") after "by virtue of section" insert "33D or".

3 After section 33 insert—

"Sixth form college corporations: England

33A Initial designation of existing bodies corporate as sixth form college corporations

(1) The Secretary of State may by order designate a body corporate within subsection (2) as a sixth form college corporation, for the purpose of conducting an educational institution specified in the order.

(2) A body corporate is within this subsection if it is—

(a) a further education corporation established in respect of an institution in England, or

(b) a body corporate established by an order under section 143(4) of the Learning and Skills Act 2000 in respect of an institution in England.

(3) On the date specified in the order—

(a) a body corporate within subsection (2)(a) ceases to be a further education corporation and becomes a sixth form college corporation;

(b) a body corporate within subsection (2)(b) ceases to be subject to the order under section 143(4) of the Learning and Skills Act 2000 establishing it and becomes a sixth form college corporation;

(c) in the case of a body corporate within subsection (2)(b), a designation under section 28 which has effect in relation to the relevant sixth form college ceases to have effect.

(4) An order under subsection (1) may—

(a) make provision for the continuity of the body corporate, including provision for the continuation of the instrument and articles of government of the body and the relevant sixth form college;

(b) make provision as to the initial name of the corporation as a sixth form college corporation.

(5) The power conferred by subsection (1)—

(a) is exercisable only once;

(b) is not exercisable after the date specified in an order made by the Secretary of State.

33B Subsequent designation of existing bodies corporate as sixth form college corporations

(1) The Secretary of State may by order designate a body corporate within subsection (2) as a sixth form college corporation, for the purpose of conducting an educational institution specified in the order.

(2) A body corporate is within this subsection if it is—

(a) a further education corporation established in respect of an institution in England, or

(b) a body corporate established by an order under section 143(4) of the Learning and Skills Act 2000 in respect of an institution in England.

(3) An order under subsection (1) may be made only if—

(a) an application for the order has been made by the governing body of the institution mentioned in subsection (2)(a) or (b), and

(b) the institution is one within subsection (4).

(4) An institution is within this subsection if it appears to the Secretary of State that on the date on which the application is made at least 80% of its total enrolment number will be persons over compulsory school age but under 19.

(5) The total enrolment number of an institution is to be calculated in accordance with paragraph 1(2) of Schedule 3.

(6) On the date specified in the order—

(a) a body corporate within subsection (2)(a) ceases to be a further education corporation and becomes a sixth form college corporation;

(b) a body corporate within subsection (2)(b) ceases to be subject to the order under section 143(4) of the Learning and Skills Act 2000 establishing it and becomes a sixth form college corporation;

(c) in the case of a body corporate within subsection (2)(b), a designation under section 28 which has effect in relation to the relevant sixth form college ceases to have effect.

(7) An order under subsection (1) may—

(a) make provision for the continuity of the body corporate, including provision for the continuation of the instrument and articles of government of the body and the relevant sixth form college;

(b) make provision as to the initial name of the corporation as a sixth form college corporation.

(8) The power conferred by subsection (1) is exercisable only after the date specified in an order under section 33A(5)(b).

33C Establishment of new bodies corporate as sixth form college corporations

(1) The Secretary of State may by order make provision for the establishment of a body corporate as a sixth form college corporation, for the purpose of establishing and conducting an educational institution specified in the order.

(2) An order under subsection (1) may be made only if—

(a) a proposal relating to the order has been made by the responsible local education authority and it appears to the Secretary of State that the requirements in subsection (3) have been met in relation to the proposal, and

(b) it appears to the Secretary of State that the institution will when established be one within subsection (4).

(3) The requirements are that—

(a) the authority have published the proposal by the prescribed time and in the prescribed manner;

(b) the proposal as published contained prescribed information;

(c) the authority have considered any representations about the proposal made to them within the prescribed period.

(4) An institution is within this subsection if—

(a) the institution is in England, and

(b) on the date on which it is proposed to be established, at least 80% of its total enrolment number will be persons over compulsory school age but under 19.

(5) The total enrolment number of an institution is to be calculated in accordance with paragraph 1(2) of Schedule 3.

(6) An order under subsection (1)—

(a) must provide for the institution to be established and conducted by the body corporate as from the date specified in the order;

(b) may make provision as to the initial name of the corporation as a sixth form college corporation.

33D Conversion of sixth form college corporations into further education corporations

(1) The Secretary of State may by order convert a sixth form college corporation into a further education corporation.

(2) An order under subsection (1) may be made only if—

(a) an application for the order has been made by the governing body of the relevant sixth form college, or

(b) the Secretary of State is satisfied that it is no longer appropriate for the body to be a sixth form college corporation.

(3) An application under subsection (2)(a) may not be made during the period of two years beginning with the date on which the body's designation or establishment as a sixth form college corporation takes effect.

(4) The Secretary of State must consult the governing body of the relevant sixth form college before making an order under subsection (1) in a case within subsection (2)(b).

(5) On the date specified in the order, the body ceases to be a sixth form college corporation and becomes a further education corporation.

(6) An order under subsection (1) may—

(a) make provision for the continuity of the body corporate, including provision for the continuation of the instrument and articles of government of the body and the relevant sixth form college;

(b) make provision as to the initial name of the corporation as a further education corporation.

33E Principal powers of a sixth form college corporation

(1) A sixth form college corporation may do any of the following—

(a) provide further and higher education,

(b) provide secondary education suitable to the requirements of persons who have attained the age of 14,

(c) provide education which is secondary education by virtue of section 2(2B) of the Education Act 1996,

(d) participate in the provision of secondary education at a school,

(e) supply goods or services in connection with their provision of education.

(2) The powers conferred by subsection (1) are referred to in section 33F as the corporation's principal powers.

(3) A sixth form college corporation may not provide education of a kind specified in subsection (1)(b), (c) or (d) unless they have consulted such local education authorities as they consider appropriate.

(4) For the purposes of subsection (1), goods are supplied in connection with the provision of education by a sixth form college corporation if they result from—

(a) their provision of education or anything done by them under this Act for the purpose of or in connection with their provision of education,

(b) the use of their facilities or the expertise of persons employed by them in the fields in which they are so employed, or

(c) ideas of a person employed by them, or one of their students, arising out of their provision of education.

(5) For the purposes of subsection (1), services are supplied in connection with the provision of education by a sixth form college corporation if—

(a) they result from their provision of education or anything done by them under this Act for the purpose of or in connection with their provision of education,

(b) they are provided by making available their facilities or the expertise of persons employed by them in the fields in which they are so employed, or

(c) they result from ideas of a person employed by them, or of one of their students, arising out of their provision of education.

33F Supplementary powers of a sixth form college corporation

(1) A sixth form college corporation may do anything (including in particular the things referred to in subsections (2) to (6)) which appears to the corporation to be necessary or expedient for the purpose of or in connection with the exercise of any of their principal powers.

(2) A sixth form college corporation may conduct an educational establishment for the purpose of carrying on activities undertaken in the exercise of their powers to provide further or higher education.

(3) In particular, a sixth form college corporation may conduct the relevant sixth form college as from the date specified in the order designating or establishing the corporation as a sixth form college corporation.

(4) A sixth form college corporation may provide facilities of any description appearing to the corporation to be necessary or desirable for the purposes of or in connection with carrying on any activities undertaken in the exercise of their principal powers.

(5) The facilities include—

(a) boarding accommodation and recreational facilities for students and staff, and

(b) facilities to meet the needs of students with learning difficulties.

(6) A sixth form college corporation may—

(a) acquire and dispose of land and other property,

(b) enter into contracts, including in particular—

(i) contracts for the employment of teachers and other staff for the purposes of or in connection with carrying on any activities undertaken in the exercise of their principal powers, and

(ii) contracts with respect to the carrying on by the corporation of any such activities,

(c) form, participate in forming or invest in a company,

(d) 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),

(e) borrow such sums as the corporation think fit for the purposes of—

(i) carrying on any activities they have power to carry on, or

(ii) meeting any liability transferred to them under sections 23 to 27,

(f) in connection with their borrowing, grant any mortgage, charge or other security in respect of any land or other property of the corporation,

(g) invest any sums not immediately required for the purpose of carrying on any activities they have power to carry on,

(h) accept gifts of money, land or other property and apply it, or hold and administer it on trust for, any of those purposes,

(i) do anything incidental to the conduct of an educational institution providing further or higher education, including founding scholarships or exhibitions, making grants and giving prizes.

(7) The powers conferred by subsection (6) are subject to section 33G.

(8) For the purposes of this section a person has a learning difficulty if—

(a) the person has a significantly greater difficulty in learning than the majority of persons of the same age, or

(b) the person has a disability which either prevents or hinders the person from making use of facilities of a kind generally provided by institutions within the further education sector for persons of the same age.

(9) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which the person is or will be taught is different from a language (or form of language) which has at any time been spoken in the person's home.

(10) A reference in this section or section 33G 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.

(11) A sixth form college corporation may provide advice or assistance to any other person where it appears to the corporation to be appropriate for them to do so for the purpose of or in connection with the provision of education by the other person.

33G Further provision about supplementary powers

(1) The power conferred by section 33F(6)(c) may not be exercised for the purpose of—

(a) conducting an educational institution, or

(b) investing in a company conducting an educational institution.

(2) The power conferred by section 33F(6)(d) 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.

(3) But a restriction on the exercise of a power imposed by subsection (1) or (2) does not apply to the extent that the responsible local education authority consent to the exercise of the power in a way which does not comply with the restriction.

(4) Neither the power conferred by section 33F(6)(c) nor the power conferred by section 33F(6)(d) may be exercised for the purposes of the provision of education if the provision is secured (wholly or partly) by financial resources provided by a relevant funding body.

(5) But subsection (4) does not apply to the extent that the relevant funding body consents to the exercise of the power in question in a way which does not comply with the restriction in that subsection.

(6) The power conferred on a sixth form college corporation by section 33F(6)(e) to borrow money may not be exercised without the consent of the responsible local education authority.

(7) Consent under subsection (6) may be given for particular borrowing or for borrowing of a particular class.

(8) In this section "relevant funding body" means a local education authority, the YPLA or the Chief Executive of Skills Funding.

33H Duty in relation to promotion of well-being of local area

(1) In exercising their functions under sections 33E and 33F, a sixth form college corporation must have regard, amongst other things, to the objective of promoting the economic and social well-being of the local area.

(2) In subsection (1)—
  (a) "the local area", in relation to a sixth form college corporation, means the locality of the relevant sixth form college, and
  (b) a reference to the well-being of an area includes a reference to the well-being of people who live or work in that area.

33I Constitution of sixth form college corporation and conduct of sixth form college

(1) For every sixth form college corporation there is to be—
  (a) an instrument providing for the constitution of the corporation (to be known as the instrument of government), and
  (b) an instrument in accordance with which the corporation, and the relevant sixth form college, are to be conducted (to be known as articles of government).

(2) Instruments of government and articles of government—
  (a) must comply with the requirements of Schedule 4, and
  (b) may make any provision authorised to be made by that Schedule and such other provision as may be necessary or desirable.

(3) Subsection (2) is subject to section 33J.

(4) The validity of any proceedings of a sixth form college corporation, or of any committee of the corporation, is not affected by—
  (a) a vacancy among the members, or
  (b) a defect in the appointment or nomination of a member.

(5) Subsection (6) applies to a document purporting to be an instrument made or issued by or on behalf of a sixth form college corporation and to be—
  (a) duly executed under the seal of the corporation, or
  (b) signed or executed by a person authorised by the corporation to act in that behalf.

(6) The document is to be received in evidence and treated, without further proof, as being made or issued by or on behalf of the corporation unless the contrary is shown.

33J Special provision for certain institutions

(1) Despite anything in section 33I, the instrument of government of a sixth form college corporation to which this section applies must provide—

(a) for the governing body of the relevant sixth form college to include persons appointed for the purpose of securing so far as practicable that the established character of the sixth form college is preserved and developed and, in particular, that the sixth form college is conducted in accordance with any trust deed relating to it, and

(b) for the majority of members of the governing body of the relevant sixth form college to be such governors.

(2) This section applies to a sixth form college corporation in respect of which the relevant sixth form college is specified, or falls within a class specified, by the Secretary of State by order.

(3) The reference in subsection (1)(a) to the established character of a sixth form college is, in relation to a sixth form college established shortly before or at the same time as the designation or establishment of the sixth form college corporation in respect of which it is the relevant sixth form college, a reference to the character which the sixth form college is intended to have on its establishment.

33K Instrument and articles of new sixth form college corporations

(1) The first instrument of government and articles of government of a sixth form college corporation established under section 33C are to be made by the YPLA.

(2) Before making an instrument or articles for a sixth form college corporation under this section the YPLA must consult the corporation.

33L Changes to instruments and articles

(1) The YPLA may—

(a) if a sixth form college corporation submits a draft of an instrument of government to have effect in place of their existing instrument, by order make a new instrument of government in terms of the draft or in such terms as it thinks fit, and

(b) if a sixth form college corporation submits draft modifications of an instrument made under paragraph (a), by order modify the instrument in terms of the draft or in such terms as it thinks fit.

(2) The YPLA may not make a new instrument otherwise than in terms of the draft, or modify the instrument otherwise than in terms of the draft, unless it has consulted the corporation.

(3) The YPLA may by order modify, replace or revoke an instrument of government or articles of government of a sixth form college corporation.

(4) An order under subsection (3)—

(a) may relate to all sixth form college corporations, to a category of sixth form college corporations specified in the order or to a sixth form college corporation specified in the order, but

(b) may not be made unless the YPLA has consulted each sixth form college corporation to which the order relates.

(5) A sixth form college corporation may, with the consent of the YPLA—

(a) make new articles of government in place of their existing articles, or

(b) modify their existing articles.

(6) The YPLA may by a direction under this section require sixth form college corporations, a class of sixth form college corporations specified in the direction or any particular sixth form college corporation specified in the direction—

(a) to modify, replace or revoke their articles of government in any manner specified in the direction, or

(b) to secure that any rules or bye-laws made in pursuance of their articles of government are modified, replaced or revoked in any manner specified in the direction.

(7) Before giving a direction under this section the YPLA must consult the sixth form college corporation or (as the case may be) each sixth form college corporation to which the direction applies.

33M Charitable status of a sixth form college corporation

A sixth form college corporation is a charity within the meaning of the Charities Act 1993.

33N Dissolution of sixth form college corporations

(1) Subject to the following provisions of this section, the Secretary of State may by order provide for—

(a) the dissolution of a sixth form college corporation, and

(b) the transfer to a person mentioned in subsection (4) or (6) of property, rights and liabilities of the corporation.

(2) An order under subsection (1) may be made only if a proposal relating to the order has been made by the responsible local education authority and it appears to the Secretary of State that the requirements in subsection (3) have been met in relation to the proposal.

(3) The requirements are that—

(a) the authority have published the proposal by the prescribed time and in the prescribed manner;

(b) the proposal as published contained prescribed information;

(c) the authority have considered any representations about the proposal made to them within the prescribed period.

(4) Property, rights and liabilities may (subject to subsection (5)) be transferred to—

(a) a person appearing to the Secretary of State to be wholly or mainly engaged in the provision of educational facilities or services of any description, or

(b) a body corporate established for purposes which include the provision of such facilities or services.

(5) Property, rights and liabilities may be transferred to a person or body under subsection (4) only with the consent of the person or body.

(6) Property, rights and liabilities may be transferred to the responsible local education authority.

(7) Where the recipient of a transfer under an order under this section is not a charity established for charitable purposes which are exclusively educational purposes, any property transferred must be transferred on trust to be used for charitable purposes which are exclusively educational purposes.

(8) An order under this section may make provision about the transfer of staff (including provision applying section 26 with such modifications as the Secretary of State may consider necessary or desirable).

(9) Before making an order under this section in respect of a sixth form college corporation the Secretary of State must consult—

(a) the corporation, and

(b) the YPLA.

(10) In this section "charity" and "charitable purposes" have the same meanings as in the Charities Act 1993."

4 In section 34(1) (making additional property available for use) after "institution within the further education sector" insert "other than a sixth form college".

5 In section 52A(1) (duty to safeguard pupils receiving secondary education) after "by virtue of section 18(1)(aa) or (ab) of this Act," insert—

"(aa) by a sixth form college corporation by virtue of section 33E(1)(b) or (c) of this Act,".

6 In section 56A(1) (intervention: England) after "institution in England within the further education sector" insert "other than a sixth form college".

7 In section 56C(1) (directions as to exercise of section 56A powers) after "institution in England within the further education sector" insert "other than a sixth form college".

8 After section 56D (inserted by Schedule 6) insert—

"**56E Intervention by LEAs: sixth form colleges**

(1) This section applies in relation to a sixth form college if the responsible local education authority are satisfied as to one or more the matters listed in subsection (2) in relation to the sixth form college; and it is immaterial whether or not a complaint is made by any person.

(2) The matters are—

(a) that the sixth form college's affairs have been or are being mismanaged by its governing body;

(b) that the sixth form college's governing body have failed to discharge any duty imposed on them by or for the purposes of any Act;

(c) that the sixth form college's governing body have acted or are proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under any Act;

(d) that the sixth form college is performing significantly less well than it might in all the circumstances reasonably be expected to perform, or is failing or likely to fail to give an accepted standard of education or training.

(3) If this section applies the authority may do one or more of the things listed in subsection (6).

(4) Before doing one or more of those things, the authority must give the Secretary of State and the YPLA a notice stating—

(a) the matter or matters listed in subsection (2) as to which the authority are satisfied;

(b) the reasons why the authority are so satisfied;

(c) the thing or things that the authority propose to do;

(d) the reasons why the authority propose to do that thing or those things.

(5) If the authority do one or more of those things, the authority must at the same time give the sixth form college's governing body a notice stating—

(a) the matter or matters listed in subsection (2) as to which the authority are satisfied;

(b) the reasons why the authority have decided to do that thing or those things.

(6) The authority may—

(a) remove all or any of the members of the sixth form college's governing body;

(b) appoint new members of that body if there are vacancies (however arising);

(c) give to that body such directions as the authority think expedient as to the exercise of the body's powers and performance of the body's duties.

(7) The directions that may be given to a governing body under this section include a direction requiring a governing body to make collaboration arrangements (within the meaning of section 166 of the Education and Inspections Act 2006) with such bodies and on such terms as may be specified in the direction.

(8) Directions may be given to a governing body under this section despite any enactment making the exercise of a power or performance of a duty contingent on the body's opinion.

(9) The authority may not direct a governing body under subsection (6)(c) to dismiss a member of staff.

(10) But subsection (9) does not prevent the authority, where the authority consider that it may be appropriate to dismiss a member of staff whom the governing body have power under the governing body's articles of government to dismiss, from giving the governing body such directions under this section as are necessary to secure that the procedures applicable to the consideration of the case for dismissal of that member of staff are given effect to in relation to that member of staff.

(11) A governing body must comply with any directions given to them under this section.

(12) An appointment of a member of a governing body under this section shall have effect as if made in accordance with the governing body's instrument of government and articles of government.

56F Appointment by LEAs of members of sixth form college governing body

(1) The responsible local education authority for a sixth form college may appoint a person to be a member of the governing body of the sixth form college.

(2) But no more than two members of the governing body of a sixth form college may at any given time have been appointed under this section.

(3) Before exercising the power conferred by subsection (1) in relation to a governing body, the responsible local education authority must consult the governing body.

(4) A member of the governing body of a sixth form college who was appointed before the relevant commencement date by the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000 is, on and after that date, to be treated for the purposes of subsection (2) of this section as appointed by the responsible local education authority under this section.

(5) "The relevant commencement date" is the date on which section 123 of the Apprenticeships, Skills, Children and Learning Act 2009 comes into force.

56G Intervention policy: sixth form colleges

(1) The YPLA must—

(a) prepare a statement of the policy to be followed by local education authorities with respect to the exercise of their powers under section 56E,

(b) keep the statement under review, and

(c) if it considers it appropriate in consequence of a review, prepare a revised statement.

(2) When preparing a statement or revised statement, the YPLA must—

(a) undertake such consultation as it thinks appropriate;

(b) consider any representations made to it about the policy to be set out in the statement.

(3) Guidance given to the YPLA under section 76 of the Apprenticeships, Skills, Children and Learning Act 2009 in connection with the performance of its

functions under this section may, in particular, relate to the form and content of the policy to be set out in a statement or revised statement.

(4) The YPLA must send a copy of the statement or revised statement prepared by it to the Secretary of State.

(5) If the Secretary of State approves it the Secretary of State must lay a copy of it before each House of Parliament.

(6) The YPLA must publish—

(a) the statement of its policy approved by the Secretary of State;

(b) where the Secretary of State approves a revised statement of its policy, the revised statement.

(7) A local education authority must have regard to the statement most recently published under subsection (6) in exercising, or deciding whether to exercise, any of their powers under section 56E in relation to a sixth form college.

56H Intervention by YPLA

(1) This section applies if—

(a) the YPLA proposes to secure the provision of education or training at a sixth form college in the exercise of the power conferred by section 66 of the Apprenticeships, Skills, Children and Learning Act 2009, and

(b) the YPLA is satisfied—

(i) as to one or more of the matters listed in section 56E(2) in relation to the sixth form college, and

(ii) that the circumstances are such that it would be appropriate for the responsible local education authority to do one or more of the things listed in section 56E(6) in relation to the sixth form college.

(2) If this section applies the YPLA may do one or more of the things listed in subsection (5).

(3) Before doing one or more of those things, the YPLA must give the Secretary of State a notice stating—

(a) the matter or matters listed in section 56E(2) as to which the YPLA is satisfied;

(b) the reasons why the YPLA is so satisfied;

(c) the thing or things that the YPLA proposes to do;

(d) the reasons why the YPLA proposes to do that thing or those things.

(4) If the YPLA does one or more of those things, it must at the same time give the sixth form college's governing body a notice stating—

(a) the matter or matters listed in section 56E(2) as to which the YPLA is satisfied;

(b) the reasons why the YPLA has decided to do that thing or those things.

(5) The YPLA may—

(a) remove all or any of the members of the sixth form college's governing body;

(b) appoint new members of that body if there are vacancies (however arising);

(c) give to that body such directions as the YPLA thinks expedient as to the exercise of the body's powers and performance of the body's duties.

(6) The directions that may be given to a governing body under this section include a direction requiring a governing body to make collaboration arrangements (within the meaning of section 166 of the Education and Inspections Act 2006) with such bodies and on such terms as may be specified in the direction.

(7) Directions may be given to a governing body under this section despite any enactment making the exercise of a power or performance of a duty contingent on the body's opinion.

(8) The YPLA may not direct a governing body under subsection (5)(c) to dismiss a member of staff.

(9) But subsection (8) does not prevent the YPLA, where it considers that it may be appropriate to dismiss a member of staff whom the governing body have power to dismiss under their articles of government, from giving the governing body such directions under this section as are necessary to secure that the procedures applicable to the consideration of the case for dismissal of that member of staff are given effect to in relation to that member of staff.

(10) A governing body must comply with any directions given to them under this section.

(11) An appointment of a member of a governing body under this section shall have effect as if made in accordance with the governing body's instrument of government and articles of government.

56I Appointment by YPLA of members of sixth form college governing body

(1) The YPLA may appoint a person to be a member of the governing body of a sixth form college.

(2) But no more than two members of the governing body of a sixth form college may at any given time have been appointed under this section.

(3) Before exercising the power conferred by subsection (1) in relation to a governing body, the YPLA must consult the governing body.

(4) A member of the governing body of a sixth form college who was appointed before the relevant commencement date by the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000 is, on and after that date, to be treated for the purposes of subsection (2) of this section as appointed by the YPLA under this section.

(5) "The relevant commencement date" is the date on which section 123 of the Apprenticeships, Skills, Children and Learning Act 2009 comes into force.

56J Notification by Chief Executive of Skills Funding of possible grounds for intervention

(1) This section applies if the Chief Executive of Skills Funding is of the view that any of the matters listed in section 56E(2) applies in relation to a sixth form college.

(2) The Chief Executive must notify the responsible local education authority and the YPLA of that view.

(3) The responsible local education authority must have regard to the Chief Executive's view in deciding whether to exercise their powers under section 56E.

(4) The YPLA must have regard to the Chief Executive's view in deciding whether to exercise its powers under section 56H."

9 In section 88(1) (stamp duty) after "32," insert "33N,".

10 In section 88A(1) (stamp duty land tax) after "32" insert ", 33N".

11 (1) Section 89 (orders, regulations and directions) is amended as follows.

(2) In subsection (2)—

(a) after "30(2)(b)," insert "33A(5)(b),";

(b) after "those sections" insert "or section 33L".

(3) In subsection (4) for "Secretary of State" substitute "person or body making the order or regulations".

(4) For subsection (5) substitute—

"(5) Section 570 of the Education Act 1996 (revocation and variation) applies to directions given by any person or body under this Act as it applies to directions given by the Secretary of State or a local education authority under that Act."

12 (1) Section 90(1) (interpretation) is amended as follows.

(2) In paragraph (a) of the definition of "governing body" after "further education corporation" insert ", a sixth form college corporation".

(3) At the end insert—

""the relevant sixth form college", in relation to a sixth form college corporation, means the educational institution specified in the order under this Act designating the corporation as a sixth form college corporation or establishing it as such,

"the responsible local education authority"—

(a) in relation to a proposal relating to the establishment of a sixth form college corporation, means the local education authority in whose area the relevant sixth form college, or its main site, is proposed to be situated;

(b) in relation to a sixth form college corporation, means the local education authority in whose area the relevant sixth form college, or its main site, is situated;

(c) in relation to a sixth form college, means the local education authority in whose area the sixth form college, or its main site, is situated,

"sixth form college corporation" means a body corporate—

(a) designated as a sixth form college corporation under section 33A or 33B, or

(b) established under section 33C,

"the YPLA" means the Young People's Learning Agency for England."

(4) After subsection (2) insert—

"(2ZA) The Secretary of State may give guidance on which of a sixth form college's sites is to be taken to be its main site for the purposes of the definition of "the responsible local education authority" in subsection (1)."

13 (1) Section 91 (interpretation of Education Acts) is amended as follows.

(2) In subsection (3) (institutions within the further education sector) after paragraph (b) insert "and

(c) sixth form colleges,"

(3) After subsection (3) insert—

"(3A) References to sixth form colleges are to institutions conducted by sixth form college corporations."

14 In section 92 (index) at the appropriate places insert—

"relevant sixth form college	section 90(1)"
"responsible local education authority	section 90(1)"
"sixth form college	section 91(3A)"
"sixth form college corporation	section 90(1)"
"the YPLA	section 90(1)"

15 (1) Schedule 4 (instruments and articles of government for further education corporations) is amended as follows.

(2) For paragraph 1 substitute—

"1 In this Schedule—

"instrument" means an instrument of government or articles of government;

"the institution" means—

(a) in the case of a further education corporation, the institution which the corporation is established to conduct;

(b) in the case of a sixth form college corporation, the relevant sixth form college."

(3) In paragraph 1A, after "appointment of members" insert "of a further education corporation".

(4) After paragraph 1A insert—

"1B Provision made by an instrument under this Schedule in relation to the appointment of members of a sixth form college corporation must take into account the members who may be appointed by—

(a) the responsible local education authority under section 56F;

(b) the YPLA under section 56I."

(5) In paragraph 2(1) after "further education corporation" insert "or sixth form college corporation".

(6) In the title, after "further education corporations" insert "and sixth form college corporations".