

**EXPLANATORY MEMORANDUM TO
THE MANCHESTER COLLEGE (INCORPORATION) ORDER 2008**

2008 No. 49

AND

THE MANCHESTER COLLEGE (GOVERNMENT) REGULATIONS 2008

2008 No. 50

1. This explanatory memorandum has been prepared by The Department for Innovation, Universities and Skills and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This incorporation order establishes a new further education corporation to be known as The Manchester College and will come into force on 15 February 2008.

2.2 The regulations provide for the governance of the new corporation.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 Sections 16(1) and 17 of the Further and Higher Education Act 1992 give the Secretary of State the power to incorporate a further education corporation to establish and conduct a further education college.

4.2 Sections 20(2) and 21(1) and (2) and Schedule 4 to, the Further and Higher Education Act 1992 give the Secretary of State the power to prescribe the Instrument and Articles of Government for a further education corporation.

4.2 In accordance with section 51 of the Further and Higher Education Act 1992 and Statutory Instrument 2001 No 782 (The Education (Publication of Draft Proposals and Orders)(Further Education Corporations)(England) Regulations 2001) , there has been a local public consultation prior to the proposal being made to the Secretary of State by the Learning and Skills Council for England.

5. Extent

5.1 These instruments apply to England.

5.2 These instruments apply only to the named further education corporation.

6. European Convention on Human Rights

- 6.1 As both instruments are subject to a negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

- 7.1 The Corporations of City College, Manchester and Manchester College of Arts and Technology have proposed the merger of the two colleges. This will be achieved by the incorporation of The Manchester College to be followed by the dissolution of each of the existing colleges and the transfer of the property, rights, and liabilities of each college to the Corporation of The Manchester College. The merger is intended to substantially improve the capacity to meet the education and training needs in Manchester.
- 7.2 Section 16 of the Further and Higher Education Act 1992 gives the Secretary of State the power to incorporate a new further education corporation. Sections 20(2) and 21(1) and (2) and Schedule 4 to, the Further and Higher Education Act 1992 give the Secretary of State the power to prescribe an Instrument and Articles of Government for the new corporation.
- 7.3 In accordance with the Further and Higher Education Act 1992 and The Education (Publication of Draft Proposals and Orders) (Further Education Corporations) (England) Regulations 2001 (SI 2001/782) there has been a full public consultation which identified broad support for the proposal, with no significant concerns raised.

8. Impact

An Impact Assessment has not been prepared for these instruments as they have no impact on business, charities or voluntary bodies.

9. Contact

Vickie Wood at the Department for Innovation, Universities and Skills Tel: 0114 259 3824 or e-mail: vickie.wood@dius.gsi.gov.uk can answer any queries regarding the instrument.