



# Further Education and Training Act 2007

## 2007 CHAPTER 25

### PART 4

#### MISCELLANEOUS AND GENERAL

#### **26 Powers of a higher education corporation to form or be involved in certain bodies corporate**

- (1) In the Education Reform Act 1988 (c. 40) (“the 1988 Act”), section 124 (powers of a higher education corporation) is amended as set out in subsections (2) and (3).
- (2) In subsection (2), for paragraph (f), substitute—
  - “(f) to form, participate in forming or invest in a company for the purpose of carrying on any such activities;
  - (fa) to 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) for the purpose of carrying on any such activities;”.
- (3) At the end, insert—
  - “(7) The reference in this section 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.”
- (4) In relation to the period beginning on 1st April 2001 and ending immediately before the coming into force of this section, the power conferred by section 124(2)(f) of the 1988 Act is to be taken to have included power to form, participate in forming or become a member of a company limited by guarantee for the purpose mentioned in section 124(2)(f).

#### **27 Powers of National Assembly for Wales**

- (1) Part 1 of Schedule 5 to the Government of Wales Act 2006 (c. 32) (Assembly Measures) is amended as follows.

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*Status: Point in time view as at 23/12/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Further Education and Training Act 2007, Part 4. (See end of Document for details)*

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(2) In field 5 (education and training), after matter 5.10 insert—

*“Matter 5.11* Provision for and in connection with securing the provision of facilities for post-16 education or training. *Matter 5.12* Provision for and in connection with the establishment and dissolution of—

- (a) institutions concerned with the provision of further education, and
- (b) bodies that conduct such institutions,

including the circumstances in which an educational institution becomes or ceases to be an institution concerned with the provision of further education. Provision about—

- (a) the conduct and functions of such institutions and bodies that conduct such institutions;
- (b) the property, rights and liabilities of such institutions and bodies that conduct such institutions;
- (c) property held by any person for the purposes of such an institution;
- (d) the governance and staff of such institutions.

*Matter 5.13* Provision for and in connection with securing collaboration—

- (a) between bodies that conduct institutions concerned with the provision of further education, or
- (b) between one or more such bodies and other persons or bodies that have functions relating to education or training in Wales,

including, in particular, provision for and in connection with the establishment of bodies for the purpose of discharging functions on behalf of one or more persons or bodies that are party to arrangements for collaboration. *Matter 5.14* The provision of financial resources for and in connection with—

- (a) education or training provided by institutions concerned with the provision of further education;
- (b) post-16 education or training provided otherwise than by such institutions;
- (c) the carrying out of research relating to education or training falling within paragraph (a) or (b).

*Matter 5.15* The inspection of—

- (a) education or training provided by institutions concerned with the provision of further education;
- (b) post-16 education or training provided otherwise than by such institutions;
- (c) the training of teachers and specialist teaching assistants for schools;
- (d) services of the kinds mentioned in matter 5.8.

*Matter 5.16* The provision of advice and information in connection with, and the carrying out of studies in relation to, any of the kinds of education, training or services mentioned in matter 5.15. ”

(3) In that field, immediately after the heading *“Interpretation of this field”*, insert—

“In this field—

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“post-16 education” means—

- (a) education (other than higher education) suitable to the requirements of persons who are above compulsory school age, and
- (b) organised leisure-time occupation connected with such education;

“post-16 training” means—

- (a) training suitable to the requirements of persons who are above compulsory school age, and
- (b) organised leisure-time occupation connected with such training.

References in this field to an institution concerned with the provision of further education are references to an educational institution, other than a school or an institution within the higher education sector (within the meaning of the Further and Higher Education Act 1992), that is conducted (whether or not exclusively) for the purpose of providing further education.”

## **28 Orders and regulations**

- (1) Any power to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing an order or regulations made by the Secretary of State under any provision of this Act other than section 32 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A statutory instrument is subject to annulment in pursuance of a resolution of the National Assembly for Wales if the instrument contains an order made by the Welsh Ministers under section 11.
- (4) A statutory instrument is subject to annulment in pursuance of a resolution of the Scottish Parliament if the instrument contains an order made by the Scottish Ministers under section 11.
- (5) The power of the Department for Employment and Learning in Northern Ireland to make an order under section 11 shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)); and any such order shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)) as if it were a statutory instrument within the meaning of that Act.
- (6) Any power to make an order or regulations under this Act includes power—
  - (a) to make different provision for different cases or areas;
  - (b) to make provision generally or in relation to specific cases;
  - (c) to make such incidental, supplementary, transitional or saving provision as the person making the order or regulations thinks fit.

## **29 Amendments**

Schedule 1 (which contains miscellaneous and consequential amendments) has effect.

*Status: Point in time view as at 23/12/2007.*

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#### Commencement Information

**I1** S. 29 in force at 23.12.2007 for specified purposes by S.I. 2007/3505, art. 2(e)

### 30 Repeals

The enactments specified in Schedule 2 are repealed to the extent specified.

#### Commencement Information

**I2** S. 30 in force at 23.12.2007 for specified purposes by S.I. 2007/3505, art. 2(f)

### 31 Interpretation

In this Act—

“FHEA 1992” means the Further and Higher Education Act 1992 (c. 13);

“LSA 2000” means the Learning and Skills Act 2000 (c. 21).

### 32 Commencement

- (1) The following provisions come into force on the day on which this Act is passed—
  - sections 9, 21, 26, 28 and 31;
  - this section;
  - sections 33 and 34.
- (2) Section 27 comes into force at the end of the period of two months beginning with the day on which this Act is passed.
- (3) Section 18 comes into force in accordance with provision made by the Welsh Ministers by order.
- (4) Sections 22 and 23 come into force in accordance with provision made by order by—
  - (a) the Welsh Ministers, in relation to Wales;
  - (b) the Secretary of State, in relation to England.
- (5) The remaining provisions of this Act come into force in accordance with provision made by the Secretary of State by order.

### 33 Extent

- (1) Subject to subsections (2) to (4), this Act extends to England and Wales only.
- (2) The following provisions extend also to Scotland—
  - section 11;
  - section 12;
  - sections 28, 31 and 32, this section and section 34.
- (3) The following provisions extend also to Northern Ireland—
  - section 11;
  - section 13;

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sections 28, 31 and 32, this section and section 34.

- (4) Any amendment or repeal made by this Act has the same extent as the enactment amended or repealed.

**34 Short title**

This Act may be cited as the Further Education and Training Act 2007.

**Status:**

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**Changes to legislation:**

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