

Explanatory Memorandum to accompany the Merthyr Tydfil College Limited (Designated Institution in Further Education) Order 2015

This Explanatory Memorandum has been prepared by The Department for Education and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Merthyr Tydfil College Limited (Designated Institution in Further Education) Order 2015.

Julie James
Deputy Minister for Skills and Technology
1 July 2015

DESCRIPTION

1. This Order provides for the designation of Merthyr Tydfil College Limited as an institution within the further education sector.

MATTERS OF SPECIAL INTEREST TO THE CONSTITUTIONAL AND LEGISLATIVE AFFAIRS COMMITTEE

2. There are no matters of special interest.

LEGISLATIVE BACKGROUND

3. This Order is made under section 28(1) of the Further and Higher Education Act 1992 (“the FHEA”).
4. The functions of the Secretary of State under section 28 of the FHEA were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
5. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of and paragraph 30(1) and 30(2)(a) of Schedule 11 to the Government of Wales Act 2006 (c.32).
6. This Order follows the negative resolution procedure, under Section 89 of the FHEA.

PURPOSE AND INTENDED EFFECT OF THE LEGISLATION

7. For an institution in Wales to be ‘in the further education sector’, it must be either a further education corporation or an institution designated by the Welsh Ministers under section 28 of the FHEA. Merthyr Tydfil College is not a further education corporation and has not previously been designated by the Welsh Ministers. It is the only education institution in Wales principally providing further education that falls outside the definition and, therefore, outside the statutory further education sector.
8. The proposal to designate Merthyr Tydfil College by Order under section 28 of the FHEA will bring it within the statutory definition of ‘institutions within the further education sector’. The designation is intended to strengthen and secure the provision of facilities for post-16 education and training in the South East Wales Valleys catchment area.

IMPLEMENTATION

9. The Merthyr Tydfil College Limited (Designated Institution in Further Education) Order 2015 implements a proposal to bring the college within the statutory definition of ‘institutions within the further education sector’. The designation Order will come into effect on 31 July 2015.

CONSULTATION

10. There is no specific requirement under the FHEA for an institution conducted by a company to be consulted prior to a designation under section 28 of the FHEA being made. However, officials have liaised with the College to communicate the intention to make a Designation Order to allow them time to familiarise themselves with the consequences of the proposed designation and any obligations this will impose on the college.

REGULATORY IMPACT ASSESSMENT

11. This legislation has no direct impact on the public or private sectors, charities, the voluntary sector or the business sector and so a regulatory impact assessment has not been prepared.

COMPETITION ASSESSMENT

12. This Order will have no impact on the costs of business, charities or the voluntary sector.

SUMMARY

13. This Order is necessary to designate Merthyr Tydfil College Limited as a Further Education Institution with effect from the 31 July 2015. The wider South East Wales Further Education sector will benefit from the action set out in this Order as a result of bringing the college in line with other further education providers in Wales.