

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 15: Further and higher education: reduction of burdens

Part 1: Measures applying to England and Wales

770. The measures in this part apply to England and Wales.

Control of interest rates on loans

771. *Paragraph 1* omits section 3 of the Further Education Act 1985. This section confers powers on the Secretary of State and the Welsh Ministers to determine the minimum interest rate on loans made under that Act by local authorities to certain educational bodies. This power has never been used and its retention is no longer considered necessary.

Powers of Secretary of State in relation to local authority maintained institutions

772. *Paragraph 2(2)* omits section 61 of the Education (No. 2) Act 1986. Section 61(1) provides that governors of higher or further education institutions maintained by local authorities must be at least eighteen years old or students of the institution. Section 61(2) confers powers on the Secretary of State and the Welsh Ministers to make provision by regulations restricting the participation by students in the proceedings of the governing bodies of those institutions. *Paragraph 2(3)* omits section 62 of the Education (No. 2) Act 1986 which confers powers on the Secretary of State and the Welsh Ministers to make provision by regulations requiring governing bodies of higher or further education institutions maintained by local authorities to make documents and information relating to the governing documents available. These provisions are being removed so as to bring the governance requirements which apply in relation to such institutions into line with other higher and further education institutions.

773. *Paragraph 3(2)* omits section 158 of the Education Reform Act 1988. This section requires the governing bodies of institutions providing full-time education which are maintained by local authorities in exercise of their higher or further education functions to make reports and returns etc to the Secretary of State or the Welsh Ministers on request. *Paragraph 3(3)* omits section 159 of the Education Reform Act 1988 which confers powers on the Secretary of State and the Welsh Ministers to make provision by regulations requiring local authorities to publish information relating to institutions providing full-time education which are maintained by the authorities in exercise of their higher or further education functions. These powers are being removed so as to bring them into line with the powers held by the Secretary of State and the Welsh Ministers in relation to other higher and further education institutions.

774. *Paragraph 3(4)* omits section 219 of the Education Reform Act 1988 which applies in relation to England and Wales. This section confers default powers on the Secretary of State and the Welsh Ministers in relation to governing bodies of institutions maintained by local authorities and providing higher or further education.

Transfer of property etc

775. *Paragraph 4(2) to (4)* omits sections 23 to 26, 32, 33 and 34 of the FHEA 1992. Sections 23 to 26 make provision about the transfer of property, rights and liabilities to further education corporations established to conduct certain other institutions in the education sector. Sections 32 and 33 make provision about the transfer of property, rights and liabilities to designated institutions. Section 34 confers power on the Secretary of State and the Welsh Ministers by order to provide for property of a local authority to be made available for use by institutions within the further education sector. The sections which are being repealed concern the initial incorporation of further education corporations and are now considered to be obsolete. *Paragraph 4(5)* makes consequential amendments and repeals.