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WELSH STATUTORY INSTRUMENTS

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**2010 No. 1876 (W.181)**

**EDUCATION, WALES**

**The Gorseinion College Further Education Corporation and Swansea College Further Education Corporation (Dissolution) Order 2010**

<i>Made</i>	- - - -	<i>21 July 2010</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>22 July 2010</i>
<i>Coming into force</i>	- -	<i>20 August 2010</i>

The Welsh Ministers make the following Order in exercise of the powers conferred on the Secretary of State by section 26(1)(b) and (5) and 27 of the Further and Higher Education Act 1992(1) and now exercisable by the Welsh Ministers(2).

In accordance with section 27(2) of that Act, Gower College Swansea Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Gŵyr Abertawe*”) (3) has consented to the transfer of the property, rights and liabilities of Gorseinio College Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Gorseinion*”) (4) and Swansea College Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Abertawe*”) (5).

The Welsh Ministers have consulted with Gorseinion College Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Gorseinion*”) and Swansea College Further Education Corporation (“*Corfforaeth Addysg Belach Coleg Abertawe*”), in accordance with section 27(7) of that Act.

Accordingly, the Welsh Minister make the following Order:

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- (1) 1992 c. 13; Section 26(1) was amended by the School Standards and Framework Act 1998 (c. 31), paragraph 37(a) of Schedule 30 and Schedule 31. Section 27 was amended by the National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I.2005/3238), paragraphs 13 and 16 (a) — (c) of Schedule 1; by the Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), paragraphs 18 and 19(a) and (b) of Part 1 of Schedule 1; by the Further Education and Training Act 2007 (c. 25), paragraphs 6 and 8 of Schedule 1; and by the Further Education and Training Act 2007, Schedule 2, but at the time of making this Order the relevant repeals in Schedule 2 have not been commenced.
  - (2) The functions of the Secretary of State under sections 26 and 27 of the Further and Higher Education Act 1992 were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of the Government of Wales Act 2006 (c. 32) paragraph 30 of Schedule 11.
  - (3) Established by the [Gower College Swansea \(Incorporation\) Order 2010 \(S.I. 2010/ 1368 \(W.118\)\)](#)
  - (4) This further education corporation was established by the Education (Further Education Corporations) Order 1992 (S.I. 1992/2097) with the name of “Gorseinion College” but it has operated as both Gorseinion College and Coleg Gorseinion.
  - (5) This further education corporation was established by the Education (Further Education Corporations) Order 1992 (S.I. 1992/2097) with the name of “Swansea College” but it has operated as both Swansea College and Coleg Abertawe.

### **Title and commencement**

1. The title of this Order is the Gorseinion College Further Education Corporation and Swansea College Further Education Corporation (Dissolution) Order 2010 and it comes into force on 20 August 2010.

### **Interpretation**

2. In this Order—

“the Act” (“*y Ddeddf*”) means the Further and Higher Education Act 1992(6); and

“the Old Corporations” (“*yr Hen Gorfforaethau*”) means Gorseinion College Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Gorseinion*”) and Swansea College Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Abertawe*”).

### **Dissolution and transfer**

3. On 20 August 2010 each of the Old Corporations is dissolved and all of their property, rights and liabilities are transferred in accordance with section 27(2) of the Act to the Gower College Swansea Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Gŵyr Abertawe*”), being a body corporate established for purposes which include the provision of educational facilities and services.

### **Transfer of staff**

4.—(1) Any person employed by either of the Old Corporations immediately before 20 August 2010 is for the purposes of paragraph (2) designated in accordance with section 26(1)(b) and (5) of the Act (“designated persons”).

(2) Section 26 of the Act applies to the designated persons as if references in sub-sections (2), (3) and (4)—

- (a) to a person to whom that section applies were to a designated person;
- (b) to the operative date were to 20 August 2010;
- (c) to the transferor were to the Old Corporation by whom the designated person is employed immediately before 20 August 2010; and
- (d) to the corporation were to Gower College Swansea Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Gŵyr Abertawe*”).

21 July 2010

*Leighton Andrews*  
Minister for Children, Education and Lifelong  
Learning, one of the Welsh Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order dissolves the further education corporations established to conduct Gorseinion College (“Coleg Gorseinion”) and Swansea College (“Coleg Abertawe”) with effect from 20 August 2010. It provides for the transfer of the property, rights and liabilities of each corporation to Gower College Swansea Further Education Corporation (“Corfforaeth Addysg Bellach Coleg Gŵyr Abertawe”) and secures the employment rights of the employees of the dissolved corporations by applying section 26(2) to (4) of the Further and Higher Education Act 1992.

The application of section 26(2) has the effect of preserving the employment contracts between the employees of the dissolved corporations as regards rights as if there is not a change of employer, despite the Gower College Swansea Further Education Corporation (“Corfforaeth Addysg Bellach Coleg Gŵyr Abertawe”) becoming the new employer from 20 August 2010.