OFFERYNNAU STATUDOL CYMRU

2010 Rhif 1876 (Cy.181)

ADDYSG, CYMRU

Gorchymyn Corfforaeth Addysg Bellach Coleg Gorseinion a Chorfforaeth Addysg Bellach Coleg Abertawe (Diddymu) 2010

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

Mae'r Gorchymyn hwn yn diddymu'r corfforaethau addysg bellach a sefydlwyd i redeg Coleg Gorseinion ("Gorseinion College") a Choleg Abertawe ("Swansea College") a bydd y diddymu hwnnw yn cael ei effaith o 20 Awst 2010 ymlaen. Mae'n darparu ar gyfer trosglwyddo eiddo, hawliau a rhwymedigaethau'r naill gorfforaeth a'r llall i Gorfforaeth Addysg Bellach Coleg Gŵyr Abertawe ("Gower College Swansea Further Education Corporation") ac yn sicrhau hawliau cyflogaeth cyflogeion y corfforaethau a ddiddymwyd drwy gymhwyso adran 26(2) i (4) o Ddeddf Addysg Bellach ac Uwch 1992.

Effaith cymhwyso adran 26(2) yw cadw'r contractau cyflogaeth rhwng cyflogeion y corfforaethau a ddiddymwyd mewn perthynas â hawliau fel pe na bai newid o ran cyflogwr, er gwaethaf y ffaith mai Corfforaeth Addysg Bellach Coleg Gŵyr Abertawe ("Gower College Swansea Further Education Corporation") fydd y cyflogwr newydd o 20 Awst 2010 ymlaen.

WELSH STATUTORY INSTRUMENTS

2010 No. 1876 (W.181)

EDUCATION, WALES

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

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.

OFFERYNNAU STATUDOL CYMRU

2010 Rhif 1876 (Cy.181)

ADDYSG, CYMRU

Gorchymyn Corfforaeth Addysg Bellach Coleg Gorseinion a Chorfforaeth Addysg Bellach Coleg Abertawe (Diddymu) 2010

Gwnaed	*21 Gorffennaf 2010*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*22 Gorffennaf 2010*
Yn dod i rym	*20 Awst 2010*

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 26(1)(b) a (5) a 27 o Ddeddf Addysg Bellach ac Uwch 1992(**1**) ac sydd bellach yn arferadwy gan Weinidogion Cymru(**2**).

Yn unol ag adran 27(2) o'r Ddeddf honno, mae Corfforaeth Addysg Bellach Coleg Gŵyr Abertawe ("*Gower College Swansea Further Education Corporation*")(**3**) wedi cydsynio â throsglwyddo eiddo, hawliau a rhwymedigaethau Corfforaeth Addysg

(**1**) 1992 p.13; Diwygiwyd adran 26(1) gan Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.31), paragraff 37(a) o Atodlen 30 ac Atodlen 31. Diwygiwyd adran 27 gan Orchymyn Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Dileu'r Cyngor) 2005 (O.S. 2005/3238), paragraffau 13 a 16(a) - (c) o Atodlen 1; gan Orchymyn Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (Diwygiadau Canlyniadol) (Cymru a Lloegr) 2010 (O.S. 2010/1080), paragraffau 18 a 19(a) a (b) o Ran 1 o Atodlen 1; gan Ddeddf Addysg Bellach a Hyfforddiant 2007 (p. 25), paragraffau 6 a 8 o Atodlen 1; a chan Ddeddf Addysg Bellach a Hyfforddiant 2007, Atodlen 2, ond ar adeg gwneud y Gorchymyn hwn nid oedd y diddymiadau perthnasol yn Atodlen 2 wedi'u cychwyn.

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 26 a 27 o Ddeddf Addysg Bellach ac Uwch 1992 i Gynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2 ac Atodlen 1. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd Deddf Llywodraeth Cymru 2006 (p. 32), paragraff 30 o Atodlen 11.

(**3**) Sefydlwyd gan Orchymyn Coleg Gŵyr Abertawe (Corffori) 2010 (O.S. 2010/1368 (Cy.118)).

WELSH STATUTORY INSTRUMENTS

2010 No. 1876 (W.181)

EDUCATION, WALES

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

Made	*21 July 2010*
Laid before the National Assembly for Wales	*22 July 2010*
Coming into force	*20 August 2010*

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 Gorseinion College Further Education

(**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))

Bellach Coleg Gorseinion ("*Gorseinion College Further Education Corporation*")(**1**) a Chorfforaeth Addysg Bellach Coleg Abertawe ("*Swansea College Further Education Corporation*")(**2**).

Mae Gweinidogion Cymru wedi ymgynghori â Chorfforaeth Addysg Bellach Coleg Gorseinion ("*Gorseinion College Further Education Corporation*") a Chorfforaeth Addysg Bellach Coleg Abertawe ("*Swansea College Further Education Corporation*"), yn unol ag adran 27(7) o'r Ddeddf honno.

Felly, mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn:

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Corfforaeth Addysg Bellach Coleg Gorseinion a Chorfforaeth Addysg Bellach Coleg Abertawe (Diddymu) 2010 a daw i rym ar 20 Awst 2010.

Dehongli

2. Yn y Gorchymyn hwn–

ystyr "y Ddeddf" ("*the Act*") yw Deddf Addysg Bellach ac Uwch 1992(**3**); ac

ystyr "yr Hen Gorfforaethau" ("*the Old Corporations*") yw Corfforaeth Addysg Bellach Coleg Gorseinion ("*Gorseinion College Further Education Corporation*") a Chorfforaeth Addysg Bellach Coleg Abertawe ("*Swansea College Further Education Corporation*").

Diddymu a throsglwyddo

3. Ar 20 Awst 2010 diddymir pob un o'r Hen Gorfforaethau a throsglwyddir eu holl eiddo, eu hawliau a'u rhwymedigaethau yn unol ag adran 27(2) o'r Ddeddf i Gorfforaeth Addysg Bellach Coleg Gŵyr Abertawe ("*Gower College Swansea Further Education Corporation*"), sy'n gorff corfforaethol a sefydlwyd at ddibenion sy'n cynnwys darparu cyfleusterau a gwasanaethau addysgol.

(**1**) Sefydlwyd y gorfforaeth addysg bellach hon gan Orchymyn Addysg (Corfforaethau Addysg Bellach) 1992 (O.S. 1992/2097) dan yr enw "Gorseinion College" ond mae wedi gweithredu dan yr enw Coleg Gorseinon yn ogystal â'r enw Gorseinon College.

(**2**) Sefydlwyd y gorfforaeth addysg bellach hon gan Orchymyn Addysg (Corfforaethau Addysg Bellach) 1992 (O.S. 1992/2097) dan yr enw "Swansea College" ond mae wedi gweithredu dan yr enw Coleg Abertawe yn ogystal â'r enw Swansea College.

(**3**) 1992 p.13.

Corporation ("*Corfforaeth Addysg Bellach Coleg Gorseinion*") (**1**) and Swansea College Further Education Corporation ("*Corfforaeth Addysg Bellach Coleg Abertawe*") (**2**).

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

Accordingly, the Welsh Ministers make the following Order:

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(**3**); 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.

(**1**) 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 Gorseinon College and Coleg Gorseinon.

(**2**) 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.

(**3**) 1992 c.13

Trosglwyddo staff

4.–(1) Mae unrhyw berson sy'n cael ei gyflogi gan y naill neu'r llall o'r Hen Gorfforaethau yn union cyn 20 Awst 2010 wedi ei ddynodi at ddibenion paragraff (2) yn unol ag adran 26(1)(b) a (5) o'r Ddeddf ("personau dynodedig").

(2) Mae adran 26 o'r Ddeddf yn gymwys i'r personau dynodedig fel petai'r cyfeiriadau yn is-adrannau (2), (3) a (4)–

(a) at berson y mae'r adran honno yn gymwys iddo yn gyfeiriadau at berson dynodedig;

(b) at y dyddiad gweithredol yn gyfeiriadau at 20 Awst 2010;

(c) at y trosglwyddwr yn gyfeiriadau at yr Hen Gorfforaeth sy'n cyflogi'r person dynodedig yn union cyn 20 Awst 2010; ac

(ch) at y gorfforaeth yn gyfeiriadau at Gorfforaeth Addysg Bellach Coleg Gŵyr Abertawe ("*Gower College Swansea Further Education Corporation*").

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*").

Leighton Andrews

Y Gweinidog dros Blant, Addysg a Dysgu Gydol Oes, un o Weinidogion Cymru

21 Gorffennaf 2010

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

21 July 2010

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