
WELSH STATUTORY INSTRUMENTS

2011 No. 1504 (W.176)

EDUCATION, WALES

**The Barry College Further Education
Corporation and Coleg Glan Hafren Further
Education Corporation (Dissolution) Order 2011**

<i>Made</i>	- - - -	<i>14 June 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>17 June 2011</i>
<i>Coming into force</i>	- -	<i>1 August 2011</i>

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

In accordance with section 27(2) of that Act, Cardiff and Vale College Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Caerdydd a'r Fro*”)(3) has consented to the transfer of the property, rights and liabilities of Barry College Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg y Barri*”)(4) and Coleg Glan Hafren Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Glan Hafren*”)(5).

The Welsh Ministers have consulted with Barry College Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg y Barri*”) and Coleg Glan Hafren Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Glan Hafren*”), in accordance with section 27(7) of that Act.

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- (1) 1992 c. 13; 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) to (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 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 section 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 Cardiff and Vale College (Incorporation) Order 2011 (S.I. 2011/659 (W. 97)).
- (4) Barry College Further Education Corporation was established by the Education (Further Education Corporations) Order 1992 (S.I. 1992/2097).
- (5) Coleg Glan Hafren Further Education Corporation was established by the Education (Further Education Corporations) Order 1992 (S.I. 1992/2097).

Title and commencement

1. The title of this Order is the Barry College Further Education Corporation and Coleg Glan Hafren Further Education Corporation (Dissolution) Order 2011 and it comes into force on 1 August 2011.

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 Barry College Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg y Barri*”) and Coleg Glan Hafren Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Glan Hafren*”).

Dissolution and transfer

3. On 1 August 2011 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 Cardiff and Vale College Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Caerdydd a'r Fro*”), being a body corporate established for purposes which include the provision of educational facilities or services.

Transfer of staff

4. Section 26(2), (3) and (4) of the Act applies to any person employed by the Old Corporations immediately before 1 August 2011 as if the references in that section to—

- (a) a person to whom that section applies were to a person so employed;
- (b) the operative date were to 1 August 2011;
- (c) the transferor were to such of the Old Corporations by whom the person is employed immediately before 1 August 2011; and
- (d) the corporation were to Cardiff and Vale College Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Caerdydd a'r Fro*”).

14 June 2011

Leighton Andrews
Minister for Education and Skills, one of the
Welsh Ministers

(6) 1992 c. 13.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order dissolves the further education corporations established to conduct Barry College (“Coleg y Barri”) and Coleg Glan Hafren with effect from 1 August 2011. It provides for the transfer of the property, rights and liabilities of each corporation to Cardiff and Vale College Further Education Corporation (“Corfforaeth Addysg Bellach Coleg Caerdydd a'r Fro”) and secures the employment rights of the employees of the dissolved corporations by applying, with modifications, section 26(2) to (4) of the Further and Higher Education Act 1992 (“the Act”).

The application of section 26(2) to (4) of the Act has the effect of preserving the employment contracts of employees of the dissolved corporations as if the contracts of employment were originally made between the employees and the Cardiff and Vale College Further Education Corporation (“Corfforaeth Addysg Bellach Caerdydd a'r Fro”). The employees of the dissolved corporations will become employees of the Cardiff and Vale College Further Education Corporation (“Corfforaeth Addysg Bellach Coleg Caerdydd a'r Fro”) from 1 August 2011.

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the costs of business.