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INSTRUMENTS

2013 Rhif 1663 (Cy. 159)

2013 No. 1663 (W. 159)

ADDYSG, CYMRU

EDUCATION, WALES

Gorchymyn Corfforaeth Addysg
Bellach Coleg Sir Gâr (Diddymu) a
Choleg Sir Gar (Sefydliadau
Dynodedig mewn Addysg Bellach)
2013

The Coleg Sir Gâr Further
Education Corporation
(Dissolution) and Coleg Sir Gar
(Designated Institutions in Further
Education) Order 2013

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diddymu'r gorfforaeth addysg bellach a sefydlwyd i redeg Coleg Sir Gâr ("Coleg Sir Gâr") a hynny'n effeithiol o 1 Awst 2013. Mae hefyd yn dynodi Coleg Sir Gar ("Coleg Sir Gar"), sef coleg newydd fydd yn cael ei redeg gan gwmni cofrestredig cyfyngedig drwy warant at ddibenion adran 28 o Ddeddf Addysg Bellach ac Uwch 1992 ("y Ddeddf").

Mae'n darparu ar gyfer trosglwyddo eiddo, hawliau a rhwymedigaethau'r gorfforaeth i Goleg Sir Gar ("Coleg Sir Gar") ac mae'n diogelu hawliau cyflogaeth cyflogeion y gorfforaeth a ddiddymwyd drwy gymhwyso, gydag addasiadau, adran 26(2) i (4) o'r Ddeddf.

Effaith cymhwyso adran 26(2) i (4) o'r Ddeddf yw cadw contractau cyflogaeth cyflogeion y gorfforaeth a ddiddymwyd fel petai'r contractau cyflogaeth wedi eu gwneud yn wreiddiol rhwng y cyflogeion a Choleg Sir Gar ("Coleg Sir Gar"). Daw cyflogeion y gorfforaeth a ddiddymwyd yn gyflogeion Coleg Sir Gar ("Coleg Sir Gar") o 1 Awst 2013.

Ystyr dynodi Coleg Sir Gar yw y dylid trin y sefydliad fel sefydliad o fewn y sector addysg bellach at ddibenion y Ddeddfau Addysg (o fewn yr ystyr a roddir gan adrannau 91(1) a 91(3) o'r Ddeddf ac adran 578 o Ddeddf Addysg 1996).

Ni luniwyd Asesiad Effaith Rheoleiddiol ar gyfer yr offeryn hwn, gan na fydd yn effeithio ar gostau busnes.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order dissolves the further education corporation established to conduct Coleg Sir Gâr ("Coleg Sir Gâr") with effect from 1 August 2013. It also designates Coleg Sir Gar ("Coleg Sir Gar"), a new college conducted by a registered company limited by guarantee, for the purposes of section 28 of the Further and Higher Education Act 1992 ("the Act").

It provides for the transfer of the property, rights and liabilities of the corporation to Coleg Sir Gar ("Coleg Sir Gar") and secures the employment rights of the employees of the dissolved corporation by applying, with modifications, section 26(2) to (4) of 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 corporation as if the contracts of employment were originally made between the employees and Coleg Sir Gar ("Coleg Sir Gar"). The employees of the dissolved corporation will become employees of Coleg Sir Gar ("Coleg Sir Gar") from 1 August 2013.

The designation of Coleg Sir Gar means that it is to be treated as an institution within the further education sector for the purposes of the Education Acts (within the meaning given by sections 91(1) and 91(3) of the Act and section 578 of the Education Act 1996).

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

2013 Rhif 1663 (Cy. 159)

ADDYSG, CYMRU

Gorchymyn Corfforaeth Addysg
Bellach Coleg Sir Gâr (Diddymu) a
Choleg Sir Gar (Sefydliadau
Dynodedig mewn Addysg Bellach)
2013

Gwnaed 3 Gorffennaf 2013

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 5 Gorffennaf 2013

Yn dod i rym 1 Awst 2013

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd gan adran 27C o Ddeddf Addysg Bellach ac Uwch 1992(1) a thrwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 28 o'r Ddeddf honno ac a freiniwyd bellach ynddynt hwy(2).

Yn unol ag adran 27C(2) o Ddeddf Addysg Bellach ac Uwch 1992, mae Coleg Sir Gar (“*Coleg Sir Gar*”)(3) wedi cydsynio i'r trosglwyddiad o eiddo, hawliau a rhwymedigaethau Corfforaeth Addysg Bellach Coleg Sir Gâr (“*Coleg Sir Gâr Further Education Corporation*”)(4).

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- (1) 1992 p.13; rhoddwyd adran 27C yn lle adran 27 fel y'i deddfwyd yn wreiddiol, gan Ddeddf Addysg 2011 (p.21), adran 49, Atodlen 12, paragraffau 1 a 7.
- (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 28 o Ddeddf Addysg Bellach ac Uwch 1992 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weiniogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30(1) a 30(2)(a) o Atodlen 11 iddi.
- (3) Ymgorfforwyd ar 22 Mai 2013 yn gwmni cyfyngedig drwy warant a chofrestrwyd â rhif cwmni 08539630.
- (4) Sefydlwyd fel “Carmarthen College of Technology and Art” gan Orchymyn Addysg (Corfforaethau Addysg Bellach) 1992 (O.S. 1992/2097). Newidiwyd yr enw i “Coleg Sir Gâr” yn effeithiol o 5 Rhagfyr 2000.

2013 No. 1663 (W. 159)

EDUCATION, WALES

The Coleg Sir Gâr Further
Education Corporation
(Dissolution) and Coleg Sir Gar
(Designated Institutions in Further
Education) Order 2013

Made 3 July 2013

Laid before the National Assembly for Wales
5 July 2013

Coming into force 1 August 2013

The Welsh Ministers make the following Order in exercise of the powers conferred by section 27C of the Further and Higher Education Act 1992(1) and in exercise of the powers conferred upon the Secretary of State by section 28 of that Act and now vested in them(2).

In accordance with section 27C(2) of the Further and Higher Education Act 1992, Coleg Sir Gar (“*Coleg Sir Gar*”)(3) has consented to the transfer of the property, rights and liabilities of Coleg Sir Gâr Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Sir Gâr*”)(4).

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- (1) 1992 c.13; section 27C was substituted for section 27 as originally enacted, by the Education Act 2011 (c.21), section 49, Schedule 12, paragraphs 1 and 7.
- (2) The functions of the Secretary of State under section 28 of the Further and Higher Education Act 1992 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). 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).
- (3) Incorporated on 22 May 2013 as a company limited by guarantee and registered with company number 08539630.
- (4) Established as “Carmarthen College of Technology and Art” by the Education (Further Education Corporations) Order 1992 (S.I. 1992/2097). The name was changed to “Coleg Sir Gâr” with effect from 5 December 2000.

Mae Gweinidogion Cymru wedi ymgynghori â Chorfforaeth Addysg Bellach Coleg Sir Gâr (“*Coleg Sir Gâr Further Education Corporation*”), yn unol ag adran 27C(6) o’r Ddeddf honno.

Enwi a chychwyn

1. Enw’r Gorchymyn hwn yw Gorchymyn Corfforaeth Addysg Bellach Coleg Sir Gâr (Diddymu) a Choleg Sir Gar (Sefydliadau Dynodedig mewn Addysg Bellach) 2013 a daw i rym ar 1 Awst 2013.

Dehongli

2. Yn y Gorchymyn hwn ystyr “y Ddeddf” (“*the Act*”) yw Deddf Addysg Bellach ac Uwch 1992.

Diddymu a throsglwyddo

3. Ar 1 Awst 2013 mae Corfforaeth Addysg Bellach Coleg Sir Gâr (“*Coleg Sir Gâr Further Education Corporation*”) wedi ei diddymu a throsglwyddir ei holl eiddo, hawliau a rhwymedigaethau yn unol ag adran 27C(2) o’r Ddeddf i Goleg Sir Gar (“*Coleg Sir Gar*”), sef corff corfforaethol sydd wedi ei sefydlu at ddibenion sy’n cynnwys darparu cyfleusterau neu wasanaethau addysgol, ac sy’n elusen sydd wedi ei sefydlu at ddibenion elusennol sy’n ddibenion addysgol yn unig.

Trosglwyddo staff

4. Mae adran 26(2), (3) a (4) o’r Ddeddf yn gymwys i unrhyw berson a gyflogir gan Gorrfforaeth Addysg Bellach Coleg Sir Gâr (“*Coleg Sir Gâr Further Education Corporation*”) yn union cyn 1 Awst 2013 fel petai’r cyfeiriadau yn yr adran honno—

- (a) at berson y mae’r adran honno yn gymwys iddo yn gyfeiriadau at berson sy’n gyflogedig fel hynny;
- (b) at y dyddiad gweithredol yn gyfeiriadau at 1 Awst 2013;
- (c) at y trosglwyddwr yn gyfeiriadau at Gorrfforaeth Addysg Bellach Coleg Sir Gâr (“*Coleg Sir Gâr Further Education Corporation*”); a
- (d) at y gorrfforaeth yn gyfeiriadau at Goleg Sir Gar (“*Coleg Sir Gar*”).

Dynodi

5. Mae Coleg Sir Gar (“*Coleg Sir Gar*”), sef sefydliad addysgol o’r math a ddisgrifir yn is-adrannau (1) a (2) o adran 28 o’r Ddeddf, wedi ei ddynodi fel sefydliad at ddibenion yr adran honno.

The Welsh Ministers have consulted with Coleg Sir Gâr Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Sir Gâr*”), in accordance with section 27C(6) of that Act.

Title and commencement

1. The title of this Order is the Coleg Sir Gâr Further Education Corporation (Dissolution) and Coleg Sir Gar (Designated Institutions in Further Education) Order 2013 and it comes into force on 1 August 2013.

Interpretation

2. In this Order “the Act” (“*y Ddeddf*”) means the Further and Higher Education Act 1992.

Dissolution and transfer

3. On 1 August 2013 Coleg Sir Gâr Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Sir Gâr*”) is dissolved and all of its property, rights and liabilities are transferred in accordance with section 27C(2) of the Act to Coleg Sir Gar (“*Coleg Sir Gar*”), being a body corporate established for purposes which include the provision of educational facilities or services, and being a charity established for charitable purposes which are exclusively educational purposes.

Transfer of staff

4. Section 26(2), (3) and (4) of the Act applies to any person employed by Coleg Sir Gâr Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Sir Gâr*”) immediately before 1 August 2013 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 2013;
- (c) the transferor were to the Coleg Sir Gâr Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Sir Gâr*”); and
- (d) the corporation were to Coleg Sir Gar (“*Coleg Sir Gar*”).

Designation

5. Coleg Sir Gar (“*Coleg Sir Gar*”), being an educational institution of the kind described in sub-sections (1) and (2) of section 28 of the Act, is designated as an institution for the purposes of that section.

Huw Lewis

Y Gweinidog Addysg a Sgiliau,
un o Weinidogion Cymru

3 Gorffennaf 2013

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Minister for Education and Skills,
one of the Welsh Ministers

3 July 2013

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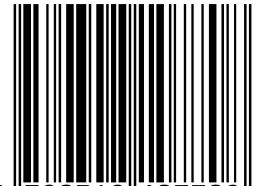
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