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WELSH STATUTORY
INSTRUMENTS

2013 Rhif 1673 (Cy. 162)

2013 No. 1673 (W. 162)

ADDYSG, CYMRU

EDUCATION, WALES

Gorchymyn Corfforaeth Addysg
Bellach Coleg Chweched Dosbarth
Iâl a Chorfforaeth Addysg Bellach
Coleg Glannau Dyfrdwy
(Diddymu) 2013

The Yale Sixth Form College
Further Education Corporation and
Deeside College Further Education
Corporation (Dissolution) Order
2013

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 Chweched Dosbarth Iâl a Choleg Glannau Dyfrdwy a hynny'n effeithiol o 1 Awst 2013 ymlaen. Mae'n darparu ar gyfer trosglwyddo eiddo, hawliau a rhwymedigaethau pob corfforaeth i Gorfforaeth Addysg Bellach Coleg Cambria ("*Coleg Cambria Further Education Corporation*") ac mae'n diogelu hawliau cyflogaeth cyflogeion y corfforaethau a ddiddymwyd drwy gymhwyso, gydag addasiadau, adran 26(2) i (4) o Ddeddf Addysg Bellach ac Uwch 1992 ("y Ddeddf").

Effaith cymhwyso adran 26(2) i (4) o'r Ddeddf yw cadw contractau cyflogaeth cyflogeion y corfforaethau a ddiddymwyd fel petai'r contractau cyflogaeth wedi cael eu gwneud yn wreiddiol rhwng y cyflogeion hynny a Chorfforaeth Addysg Bellach Coleg Cambria ("*Coleg Cambria Further Education Corporation*"). Daw cyflogeion y corfforaethau a ddiddymwyd yn gyflogeion Corfforaeth Addysg Bellach Coleg Cambria ("*Coleg Cambria Further Education Corporation*") o 1 Awst 2013 ymlaen.

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 corporations established to conduct Yale Sixth Form College and Deeside College with effect from 1 August 2013. It provides for the transfer of the property, rights and liabilities of each corporation to Coleg Cambria Further Education Corporation ("*Corfforaeth Addysg Bellach Coleg Cambria*") 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preserving the employment contracts of employees of the dissolved corporations as if the contracts of employment were originally made between the employees and the Coleg Cambria Further Education Corporation ("*Corfforaeth Addysg Bellach Coleg Cambria*"). The employees of the dissolved corporations will become employees of Coleg Cambria Further Education Corporation ("*Corfforaeth Addysg Bellach Coleg Cambria*") from 1 August 2013.

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

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Bellach Coleg Chweched Dosbarth
Iâl a Chorfforaeth Addysg Bellach
Coleg Glannau Dyfrdwy
(Diddymu) 2013

The Yale Sixth Form College
Further Education Corporation and
Deeside College Further Education
Corporation (Dissolution) Order
2013

Gwnaed 3 Gorffennaf 2013

Made 3 July 2013

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 5 Gorffennaf 2013

Laid before the National Assembly for Wales
5 July 2013

Yn dod i rym 1 Awst 2013

Coming into force 1 August 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).

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).

Yn unol ag adran 27C(2) o'r Ddeddf honno, mae Corfforaeth Addysg Bellach Coleg Cambria ("*Coleg Cambria Further Education Corporation*")(2) wedi cydsynio i drosglwyddiad eiddo, hawliau a rhwymedigaethau Corfforaeth Addysg Bellach Coleg Chweched Dosbarth Iâl ("*Yale Sixth Form College Further Education Corporation*")(3) a Chorfforaeth Addysg Bellach Coleg Glannau Dyfrdwy ("*Deeside College Further Education Corporation*")(4).

In accordance with section 27C(2) of that Act, Coleg Cambria Further Education Corporation ("*Corfforaeth Addysg Bellach Coleg Cambria*")(2) has consented to the transfer of the property, rights and liabilities of Yale Sixth Form College Further Education Corporation ("*Corfforaeth Addysg Bellach Coleg Chweched Dosbarth Iâl*")(3) and Deeside College Further Education Corporation ("*Corfforaeth Addysg Bellach Coleg Glannau Dyfrdwy*")(4).

Mae Gweinidogion Cymru wedi ymgynghori â Chorfforaeth Addysg Bellach Coleg Chweched Dosbarth Iâl ("*Yale Sixth Form College Further Education Corporation*") a Chorfforaeth Addysg

The Welsh Ministers have consulted with Yale Sixth Form College Further Education Corporation ("*Corfforaeth Addysg Bellach Coleg Chweched Dosbarth Iâl*") and Deeside College Further Education

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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, adran 49, Atodlen 12, paragraffau 1 a 7.
(2) A sefydlwyd gan Orchymyn Coleg Cambria (Corffori) 2013 (O.S. 2013/374 (Cy. 46)).
(3) A sefydlwyd gan Orchymyn Addysg (Corfforaethau Addysg Bellach) 1992 (O.S. 1992/2097). Adwaenir y Coleg yn gyffredinol fel "Coleg Iâl" neu "Coleg Iâl, Wrexham".
(4) Sefydlwyd Corfforaeth Addysg Bellach Coleg Glannau Dyfrdwy gan Orchymyn Addysg (Corfforaethau Addysg Bellach) 1993 (O.S. 1993/97).

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- (1) 1992 c.13; section 27C was substituted for section 27 as originally enacted, by the Education Act 2011, section 49, Schedule 12, paragraphs 1 and 7.
(2) Established by the Coleg Cambria (Incorporation) Order 2013 (S.I. 2013/374 (W. 46)).
(3) Established by the Education (Further Education Corporations) Order 1992 (S.I. 1992/2097). The College is generally known as "Yale College" or "Yale College, Wrexham".
(4) Deeside College Further Education Corporation was established by the Education (Further Education Corporations) Order 1993 (S.I. 1993/97).

Bellach Coleg Glannau Dyfrdwy (“*Deeside College 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 Chweched Dosbarth Iâl a Chorfforaeth Addysg Bellach Coleg Glannau Dyfrdwy (Diddymu) 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(1); ac

ystyr “yr Hen Gorfforaethau” (“*the Old Corporations*”) yw Corfforaeth Addysg Bellach Coleg Chweched Dosbarth Iâl (“*Yale Sixth Form College Further Education Corporation*”) a Chorfforaeth Addysg Bellach Coleg Glannau Dyfrdwy (“*Deeside College Further Education Corporation*”).

Diddymu a throsglwyddo

3. Ar 1 Awst 2013 mae pob un o’r Hen Gorfforaethau wedi eu diddymu ac mae eu holl eiddo, hawliau a rhwymedigaethau wedi eu throsglwyddo yn unol ag adran 27C(2) o’r Ddeddf i Gorfforaeth Addysg Bellach Coleg Cambria (“*Coleg Cambria Further Education Corporation*”), sef corff corfforaethol sydd wedi ei sefydlu at ddibenion sy’n cynnwys darparu cyfleusterau neu wasanaethau addysgol.

Trosglwyddo staff

4. Mae adran 26(2), (3) a (4) o’r Ddeddf yn gymwys i unrhyw berson a gyflogir gan yr Hen Gorfforaethau 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 unrhyw un o’r Hen Gorfforaethau sy’n cyflogi’r person yn union cyn 1 Awst 2013; a

Corporation (“*Corfforaeth Addysg Bellach Coleg Glannau Dyfrdwy*”), in accordance with section 27C(6) of that Act.

Title and commencement

1. The title of this Order is the Yale Sixth Form College Further Education Corporation and Deeside College Further Education Corporation (Dissolution) 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(1); and

“the Old Corporations” (“*yr Hen Gorfforaethau*”) means Yale Sixth Form College Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Chweched Dosbarth Iâl*”) and Deeside College Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Glannau Dyfrdwy*”).

Dissolution and transfer

3. On 1 August 2013 each of the Old Corporations is dissolved and all of their property, rights and liabilities are transferred in accordance with section 27C(2) of the Act to the Coleg Cambria Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Cambria*”), 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 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 such of the Old Corporations by whom the person is employed immediately before 1 August 2013; and

(1) 1992 p.13.

(1) 1992 c.13.

(d) at y gorfforaeth yn gyfeiriadau at Gorfforaeth Addysg Bellach Coleg Cambria (“*Coleg Cambria Further Education Corporation*”).

(d) the corporation were to Coleg Cambria Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Cambria*”).

Huw Lewis

Y Gweinidog Addysg a Sgiliau,
un o Weinidogion Cymru

Minister for Education and Skills,
one of the Welsh Ministers

3 Gorffennaf 2013

3 July 2013

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