



OFFERYNNAU STATUDOL
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WELSH STATUTORY
INSTRUMENTS

2009 Rhif 1841 (Cy.167)

2009 No. 1841 (W.167)

ADDYSG, CYMRU

EDUCATION, WALES

Gorchymyn Coleg Garddwriaeth
Cymru (Diddymu) 2009

The Welsh College of Horticulture
(Dissolution) Order 2009

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn diddymu gydag effaith o 1 Awst 2009 y gorfforaeth addysg bellach a sefydlwyd i redeg Coleg Garddwriaeth Cymru. Mae'n darparu ar gyfer trosglwyddo ei eiddo, ei hawliau a'i rwymedigaethau i Goleg Glannau Dyfrdwy a Phrifysgol Glyndŵr ac eiddo, hawliau a rhwymedigaethau penodol eraill a fydd yn cael eu trosglwyddo i Goleg Glannau Dyfrdwy a Phrifysgol Glyndŵr i'w dal at ddibenion addysgol. Mae'r Gorchymyn yn sicrhau hawliau cyflogeion y gorfforaeth drwy gymhwyso adran 26(2) i (4) o Ddeddf Addysg Bellach ac Uwch 1992.

This Order dissolves with effect from 1 August 2009 the further education corporation established to conduct the Welsh College of Horticulture. It provides for the transfer of its property, rights and liabilities to Deeside College and Glyndŵr University and certain other property, rights and liabilities which will be transferred to Deeside College and Glyndŵr University to hold for educational purposes. The Order secures the rights of the corporation's employees by applying section 26(2) to (4) of the Further and Higher Education Act 1992.

Nid oes Asesiad Effaith Rheoleiddiol wedi'i baratoi ar gyfer yr offeryn hwn, gan nad oes ganddo unrhyw effaith ar gostau busnes.

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

2009 Rhif 1841 (Cy.167)

ADDYSG, CYMRU

**Gorchymyn Coleg Garddwriaeth
Cymru (Diddymu) 2009**

Gwnaed 9 Gorffennaf 2009

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 10 Gorffennaf 2009

Yn dod i rym 1 Awst 2009

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

Yn unol ag adran 27(7)(a) o'r Ddeddf, maent wedi ymgynghori â'r gorfforaeth addysg bellach o'r enw Coleg Garddwriaeth Cymru(3) ("CGC"). Yn unol ag adran 27(2), gwneir y Gorchymyn gyda chydysyniad y gorfforaeth addysg bellach o'r enw Coleg Glannau Dyfrdwy(4) a'r gorfforaeth addysg uwch o'r enw Prifysgol Glyndŵr(5).

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- (1) 1992 p.13. Diwygiwyd adran 27 gan baragraff 16 o Atodlen 1 i Orchymyn Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu'r Cyngor) 2005 (O.S. 2005/3238) a chan baragraff 8 o Atodlen 1 i Ddeddf Addysg Bellach ac Uwch 2007 (p.25).
- (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (OS 1999/672). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).
- (3) Fe'i sefydlwyd gan Orchymyn Addysg (Corfforaethau Addysg Bellach) 1992 (O.S. 1992/2097).
- (4) Fe'i sefydlwyd gan Orchymyn Addysg (Corfforaethau Addysg Bellach) 1993 (O.S. 1993/97).
- (5) Cafodd ei sefydlu gan Orchymyn Addysg (Corfforaethau Addysg Uwch) (Cymru) (Rhif 3) 1993 (O.S. 1993/56) o dan yr enw 'North East Wales Institute of Higher Education' (Athrofa Addysg Uwch Gogledd Ddwyrain Cymru) a'i hailenwi'n Brifysgol Glyndŵr ar 3 Gorffennaf 2008.

2009 No. 1841 (W.167)

EDUCATION, WALES

**The Welsh College of Horticulture
(Dissolution) Order 2009**

Made 9 July 2009

*Laid before the National
Assembly for Wales* 10 July 2009

Coming into force 1 August 2009

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) ("the Act") on the Secretary of State and now vested in them.(2)

In accordance with section 27(7)(a) of the Act, they have consulted the further education corporation known as the Welsh College of Horticulture (3) ("WCoH"). In accordance with section 27(2), the Order is made with the consent of the further education corporation known as Deeside College(4) and the higher education corporation known as Glyndŵr University(5).

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- (1) 1992 c.13. Section 27 was amended by paragraph 16 of Schedule 1 to 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) and by paragraph 8 of Schedule 1 to the Further and Higher Education Act 2007 (c.25).
- (2) Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672). The functions of the National Assembly for Wales transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).
- (3) Established by the Education (Further Education Corporations) Order 1992 (S.I. 1992/2097).
- (4) Established by the Education (Further Education Corporations) Order 1993 (S.I. 1993/97).
- (5) Established by the Education (Higher Education Corporations) (Wales) (No. 3) Order 1993 (S.I. 1993/56) under the name of North East Wales Institute and renamed Glyndŵr University on 3 July 2008.

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Coleg Garddwriaeth Cymru (Diddymu) 2009 a daw i rym ar 1 Awst 2009.

Diddymu a Throsglwyddo

2. Ar 1 Awst 2009 diddymir CGC a bydd—
- (a) pob eiddo, hawl a rhwymedigaeth CGC a bennir yn Rhan 1 o'r Atodlen i'r Gorchymyn hwn yn cael ei drosglwyddo neu ei throsglwyddo i Brifysgol Glyndŵr, sef corff corfforaethol a sefydlwyd at ddibenion sy'n cynnwys darparu cyfleusterau neu wasanaethau addysgol;
 - (b) pob eiddo, hawl a rhwymedigaeth CGC a bennir yn Rhan 2 o'r Atodlen yn cael ei drosglwyddo neu ei throsglwyddo i Brifysgol Glyndŵr a Choleg Glannau Dyfrdwy i'w dal ar ymddiried iddynt eu hunain fel tenantiaid ar y cyd mewn cyfrannau cyfartal ac ar ymddiried i'w defnyddio at ddibenion elusennol sydd at ddibenion addysgol yn unig;
 - (c) pob eiddo, hawl a rhwymedigaeth arall CGC sydd heb ei gynnwys neu ei chynnwys ym mharagraffau (a) a (b) o'r Erthygl hon yn cael ei drosglwyddo neu ei throsglwyddo i Goleg Glannau Dyfrdwy.

Trosglwyddo Staff

3. Bydd adran 26(2), (3) a (4) o'r Ddeddf yn gymwys i unrhyw berson sy'n gyflogedig gan CGC yn union cyn 1 Awst 2009 fel petai'r cyfeiriadau yn yr adran honno—

- (a) at berson y mae'r adran honno yn gymwys iddo yn gyfeiriad at berson sy'n gyflogedig fel hynny;
- (b) at y dyddiad gweithredol yn gyfeiriadau at 1 Awst 2009;
- (c) at y trosglwyddwr yn gyfeiriadau at CGC;
- (ch) at y gorfforaeth yn gyfeiriadau at Goleg Glannau Dyfrdwy, ac eithrio mewn perthynas â'r cyflogeion hynny a ddynodir yn Rhan 3 o'r Atodlen ("Cyflogeion Rhan 3");
- (d) at y gorfforaeth mewn perthynas â'r Cyflogeion Rhan 3 yn gyfeiriadau at Brifysgol Glyndŵr.

Y Dirprwy Weinidog dros Sgiliau, o dan awdurdod y

J Griffiths

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

9 Gorffennaf 2009

Title and Commencement

1. The title of this Order is the Welsh College of Horticulture (Dissolution) Order 2009 and comes into force on 1 August 2009.

Dissolution and Transfer

2. On 1 August 2009 WCoH is dissolved and—
- (a) all of WCoH's property, rights and liabilities specified in Part 1 of the Schedule to this Order are transferred to Glyndŵr University, being a body corporate established for purposes which include the provision of educational facilities or services;
 - (b) all of WCoH's property, rights and liabilities specified in Part 2 of the Schedule are transferred to Glyndŵr University and Deeside College to hold on trust for themselves as tenants in common in equal shares and on trust to be used for charitable purposes which are exclusively educational purposes;
 - (c) all other property, rights and liabilities of WCoH not included in paragraphs (a) and (b) of this Article are transferred to Deeside College.

Transfer of Staff

3. Section 26(2), (3) and (4) of the Act applies to any person employed by WCoH immediately before 1 August 2009 as if the references in that section—

- (a) to a person to whom that section applies were to a person so employed;
- (b) to the operative date were to 1 August 2009;
- (c) to the transferor were to WCoH;
- (d) to the corporation were to Deeside College, save in relation to those employees designated in Part 3 of the Schedule ("the Part 3 Employees");
- (e) to the corporation in relation to the Part 3 Employees were to Glyndŵr University.

Deputy Minister for Skills under authority of the Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

9 July 2009

RHAN 1**Eiddo, Hawliau a Rhwymedigaethau sy'n trosglwyddo i Brifysgol Glyndŵr**

1. Y buddiant sy'n codi, yn ddarostyngedig i'r baich, a phob hawl a rhwymedigaeth sy'n deillio o gytundeb a wnaed rhwng (1) Coleg Garddwriaeth Cymru a (2) Prifysgol Morgannwg neu mewn cysylltiad â'r cytundeb hwnnw, dyddiedig 6 Chwefror 2007.

2. Pob buddiant a phob hawl a rhwymedigaeth cysylltiedig CGC yn Llaneurgain Sir y Fflint a ddangosir yn fanylach ag ymyl du a chroeslinellau ar y plan sydd ynghlwm wrth y Gorchymyn hwn, sef rhan o'r tir a gynhwyswyd mewn cytundeb dyddiedig 31 Hydref 2000 a wnaed rhwng (1) Cyngor Sir y Fflint (2) Y Cyngor Trosglwyddo Addysg a (3) Coleg Garddwriaeth Cymru, ynghyd â'r adeiladau sydd ar y tir hwnnw.

3. Pob eiddo, hawl a rhwymedigaeth arall CGC a ddefnyddir, a fwynheir ac yr eir iddo neu iddi'n unig i ddarparu addysg uwch a gwasanaethau cysylltiedig o'r tir a'r fangre a ddisgrifiwyd uchod neu sy'n deillio ohonynt [neu fel arall].

RHAN 2**Eiddo, Hawliau a Rhwymedigaethau sy'n trosglwyddo i Goleg Glannau Dyfrdwy a Phrifysgol Glyndŵr**

4. Pob buddiant a phob hawl a rhwymedigaeth cysylltiedig CGC mewn tir yn Llaneurgain Sir y Fflint a ddangosir yn fanylach ag ymyl du a chroeslinellau ar y plan sydd ynghlwm wrth y Gorchymyn hwn, sef rhan o'r tir a gynhwyswyd mewn cytundeb dyddiedig 31 Hydref 2000 a wnaed rhwng (1) Cyngor Sir y Fflint (2) Y Cyngor Trosglwyddo Addysg a (3) Coleg Garddwriaeth Cymru gan gynnwys y cyfan o'r tir a gofrestrwyd yn y Gofrestrfa Tir, Swyddfa Cymru o dan rif teitl CYM12524 a'r cyfan o'r tir a gofrestrwyd yn y Gofrestrfa Tir, Swyddfa Cymru o dan deitl rhif WA613240.

5. Pob eiddo, hawl a rhwymedigaeth arall CGC a ddefnyddir, a fwynheir neu yr eir iddo neu iddi i ddarparu addysg bellach ac uwch a gwasanaethau cysylltiedig o'r tir a ddisgrifiwyd uchod neu sy'n deillio ohono.

PART 1**Property, Rights and Liabilities transferring to Glyndŵr University**

1. The benefit subject to the burden and all rights and liabilities arising from or in connection with an agreement made between (1) the Welsh College of Horticulture and (2) the University of Glamorgan dated 6 February 2007.

2. All interests and associated rights and liabilities of WCoH in land at Northop Flintshire which is more particularly delineated edged black and hatched on the plan attached to this Order being part of the land comprised in an agreement dated 31 October 2000 made between (1) The County Council of Flintshire (2) Education Transfer Council and (3) Welsh College of Horticulture and the buildings thereon.

3. All other property, rights and liabilities of WCoH used, enjoyed and incurred by it exclusively to deliver higher education and associated services from the land and premises described above or arising from them [or otherwise].

PART 2**Property, Rights and Liabilities transferring to Deeside College and Glyndŵr University**

4. All interests and associated rights and liabilities of WCoH in land at Northop Flintshire which is more particularly delineated edged black and cross hatched on the plan attached to this Order being part of the land comprised in an agreement dated 31 October 2000 made between (1) The County Council of Flintshire (2) Education Transfer Council and (3) Welsh College of Horticulture including the whole of the land registered at the Land Registry, Wales Office under title number CYM12524 and the whole of the land registered at the Land Registry, Wales Office under title number WA613240.

5. All other property, rights and liabilities of WCoH used, enjoyed or incurred by it to deliver further and higher education and associated services from the land described above or arising from it.

RHAN 3

Cyflogeion sy'n trosglwyddo i Brifysgol
Glyndŵr

Richard Martin Lewis

Mark Birtles Simkin

David Skidmore

Peter Edward Styles

Nicola Sweeting

Angela Winstanley

Tamsin Jane Young

PART 3

Employees transferring to Glyndŵr
University

Richard Martin Lewis

Mark Birtles Simkin

David Skidmore

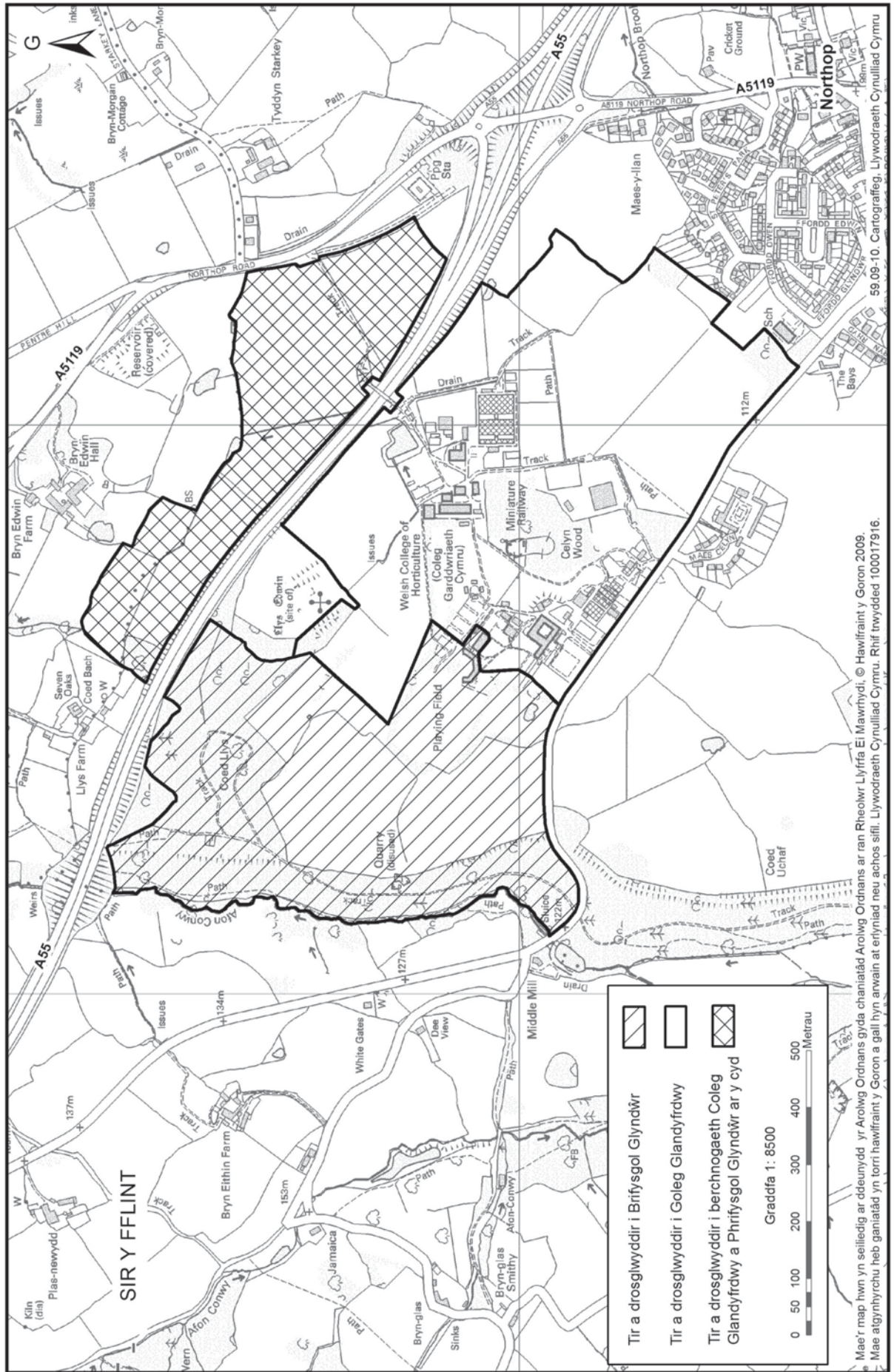
Peter Edward Styles

Nicola Sweeting

Angela Winstanley

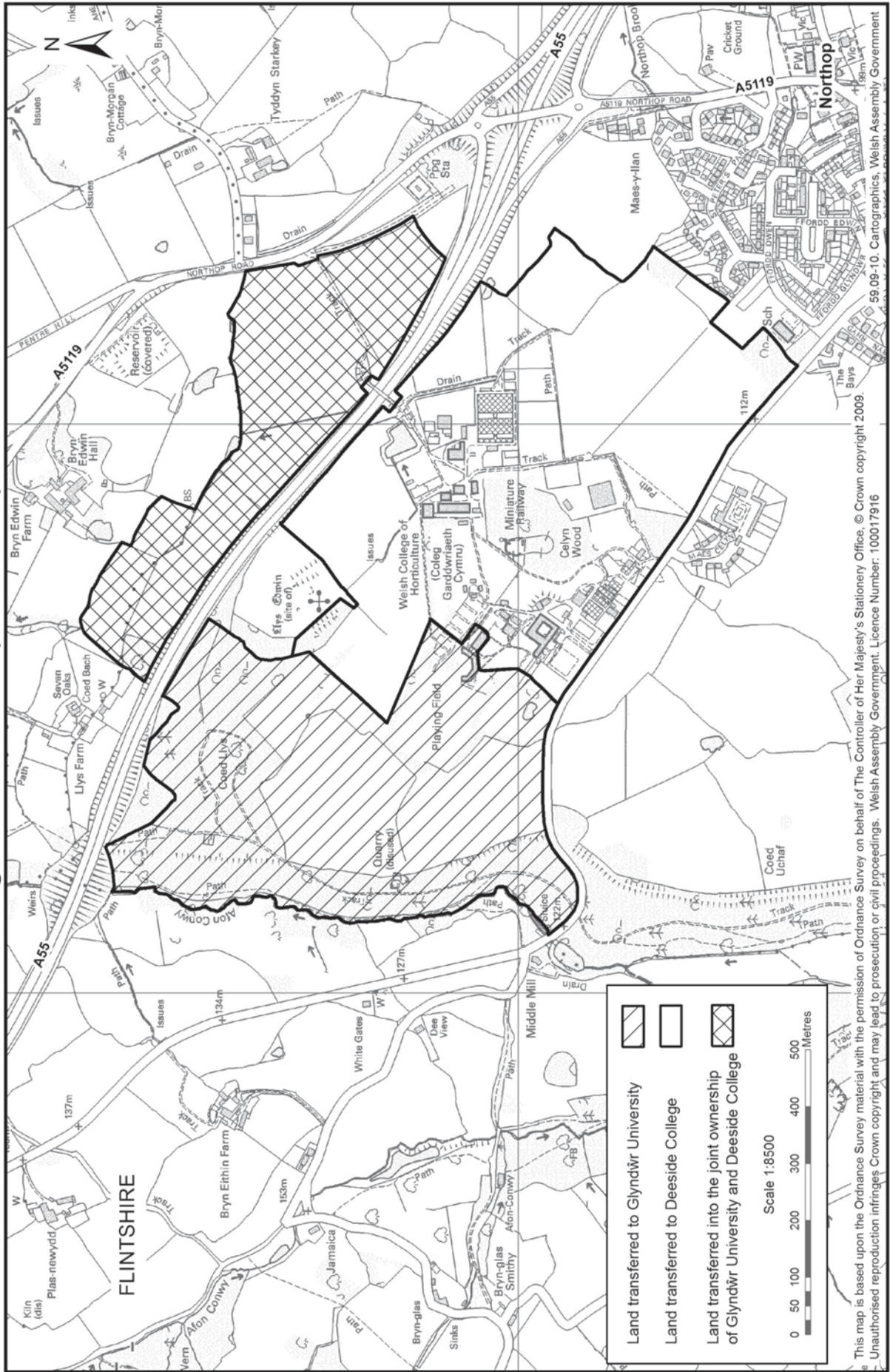
Tamsin Jane Young

Cynllun o'r Gorchymyn (Diddymiad) Coleg Garddwriaeth Cymru 2009 ynghlwm



Mae'r map hwn yn seiliedig ar ddeunydd yr Arolwg Ordnans gyda chaniatâd Arolwg Ordnans ar ran Rheolwr Llyfrfa El Mawrhydi, © Hawffraint y Goron 2009.
 Mae atgynychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at enriad neu achos sifil. Llywodraeth Cynulliad Cymru. Rhif twydded 100017916.

**Plan attached to the
Welsh College of Horticulture (Dissolution) Order 2009**



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£5.50

W516/07/09

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ISBN 978-0-11-148389-3



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