
WELSH STATUTORY INSTRUMENTS

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**

<i>Made</i>	- - - -	<i>3 July 2013</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>5th July 2013</i>
<i>Coming into force</i>	- -	<i>1st August 2013</i>

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⁾.

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.

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- (1) [1992 c.13](#); section 27C was substituted for section 27 as originally enacted, by the Education Act [2011 \(c.21\)](#), section 49, Schedule 12, paragraphs 1 and 7.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.

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.

3 July 2013

Huw Lewis
Minister for Education and Skills, one of the
Welsh Ministers

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.