
WELSH STATUTORY INSTRUMENTS

2013 No. 1673 (W. 162)

EDUCATION, WALES

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

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

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).

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 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.

(1) 1992 c.13; section 27C was substituted for section 27 as originally enacted, by the Education Act 2011, section 49, Schedule 12, paragraphs 1 and 7.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

Interpretation

2. In this Order—

“the Act” (“*y Ddeddf*”) means the Further and Higher Education Act 1992⁽⁵⁾; 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
- (d) the corporation were to Coleg Cambria Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Cambria*”).

3 July 2013

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

(5) 1992 c.13.

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.