OFFERYNNAU STATUDOL CYMRU

2011 Rhif 1504 (Cy.176)

ADDYSG, CYMRU

Gorchymyn Corfforaeth Addysg Bellach Coleg y Barri a Chorfforaeth Addysg Bellach Coleg Glan Hafren (Diddymu) 2011

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 y Barri ("Barry College") a Choleg Glan Hafren a hynny'n effeithiol o 1 Awst 2011 ymlaen. Mae'n darparu ar gyfer trosglwyddo eiddo, hawliau a rhwymedigaethau pob corfforaeth i Gorfforaeth Addysg Bellach Coleg Caerdydd a'r Fro ("Cardiff and Vale College 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 Caerdydd a'r Fro ("Cardiff and Vale College Further Education Corporation"). Daw cyflogeion y corfforaethau a ddiddymwyd yn gyflogeion Corfforaeth Addysg Bellach Caerdydd a'r Fro ("Cardiff and Vale College Further Education Corporation") o 1 Awst 2011 ymlaen.

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

WELSH STATUTORY INSTRUMENTS

2011 No. 1504 (W.176)

EDUCATION, WALES

The Barry College Further Education Corporation and Coleg Glan Hafren Further Education Corporation (Dissolution) Order 2011

EXPLANATORY NOTE

(This note is not part of the Order)

This Order dissolves the further education corporations established to conduct Barry College ("Coleg y Barri") and Coleg Glan Hafren with effect from 1 August 2011. It provides for the transfer of the property, rights and liabilities of each corporation to Cardiff and Vale College Further Education Corporation ("Corfforaeth Addysg Bellach Coleg Caerdydd a'r Fro") 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preserving the employment contracts of employees of the dissolved corporations as if the contracts of employment were originally made between the employees and the Cardiff and Vale College Further Education Corporation ("Corfforaeth Addysg Bellach Caerdydd a'r Fro"). The employees of the dissolved corporations will become employees of the Cardiff and Vale College Further Education Corporation ("Corfforaeth Addysg Bellach Coleg Caerdydd a'r Fro") from 1 August 2011.

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

OFFERYNNAU STATUDOL CYMRU

2011 Rhif 1504 (Cy.176)

ADDYSG, CYMRU

Gorchymyn Corfforaeth Addysg Bellach Coleg y Barri a Chorfforaeth Addysg Bellach Coleg Glan Hafren (Diddymu) 2011

Gwnaed	*14 Mehefin 2011*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*17 Mehefin 2011*
Yn dod i rym	*1 Awst 2011*

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**) i'r Ysgrifennydd Gwladol ac a freiniwyd bellach ynddynt hwy(**2**).

Yn unol ag adran 27(2) o'r Ddeddf honno, mae Corfforaeth Addysg Bellach Coleg Caerdydd a'r Fro ("*Cardiff and Vale College Further Education Corporation*")(**3**) wedi cydsynio i drosglwyddo eiddo, hawliau a rhwymedigaethau Corfforaeth Addysg Bellach Coleg y Barri ("*Barry College Further*

(**1**) 1992 p.13; Diwygiwyd adran 27 gan Gyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu'r Cyngor) 2005 (O.S. 2005/3238), paragraffau 13 a 16(a) i (c) o Atodlen 1; gan Orchymyn Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (Diwygiadau Canlyniadol) (Cymru a Lloegr) 2010 (O.S. 2010/1080), paragraffau 18 a 19(a) a (b) o Atodlen 1; gan Ddeddf Addysg Bellach a Hyfforddiant 2007 (p.25), paragraffau 6 a 8 o Atodlen 1; a chan Ddeddf Addysg Bellach a Hyfforddiant 2007, Atodlen 2, ond adeg gwneud y Gorchymyn hwn nid yw'r apelau perthnasol yn Atodlen 2 wedi eu cychwyn.

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 27 o Ddeddf Addysg Bellach ac Uwch 1992 i Gynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2 ac Atodlen 1. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd Deddf Llywodraeth Cymru 2006 (p.32), paragraff 30 o Atodlen 11.

(**3**) A sefydlwyd gan Orchymyn Coleg Caerdydd a'r Fro (Corffori) 2011 (O.S. 2011/659 (Cy. 97)).

WELSH STATUTORY INSTRUMENTS

2011 No. 1504 (W.176)

EDUCATION, WALES

The Barry College Further Education Corporation and Coleg Glan Hafren Further Education Corporation (Dissolution) Order 2011

Made	*14 June 2011*
Laid before the National Assembly for Wales	*17 June 2011*
Coming into force	*1 August 2011*

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

In accordance with section 27(2) of that Act, Cardiff and Vale College Further Education Corporation ("*Corfforaeth Addysg Bellach Coleg Caerdydd a'r Fro*")(**3**) has consented to the transfer of the property, rights and liabilities of Barry College Further Education Corporation ("*Corfforaeth Addysg Bellach*

(**1**) 1992 c.13; Section 27 was amended by 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), paragraphs 13 and 16(a) to (c) of Schedule 1; by the Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), paragraphs 18 and 19(a) and (b) of Schedule 1; by the Further Education and Training Act 2007 (c.25), paragraphs 6 and 8 of Schedule 1; and by the Further Education and Training Act 2007, Schedule 2, but at the time of making this Order the relevant repeals in Schedule 2 have not been commenced.

(**2**) The functions of the Secretary of State under section 27 of the Further and Higher Education Act 1992 were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of the Government of Wales Act 2006 (c. 32), paragraph 30 of Schedule 11.

(**3**) Established by the Cardiff and Vale College (Incorporation) Order 2011 (S.I. 2011/659 (W. 97)).

Education Corporation")(**1**) a Chorfforaeth Addysg Bellach Coleg Glan Hafren ("*Coleg Glan Hafren Further Education Corporation*")(**2**).

Mae Gweinidogion Cymru wedi ymgynghori â Chorfforaeth Addysg Bellach Coleg y Barri ("*Barry College Further Education Corporation*") a Chorfforaeth Addysg Bellach Coleg Glan Hafren ("*Coleg Glan Hafren Further Education Corporation*"), yn unol ag adran 27(7) o'r Ddeddf honno.

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Corfforaeth Addysg Bellach Coleg y Barri a Chorfforaeth Addysg Bellach Coleg Glan Hafren (Diddymu) 2011 a daw i rym ar 1 Awst 2011.

Dehongli

2. Yn y Gorchymyn hwn—

ystyr "y Ddeddf" ("*the Act*") yw Deddf Addysg Bellach ac Uwch 1992(**3**); ac

ystyr "yr Hen Gorfforaethau" ("*the Old Corporations*") yw Corfforaeth Addysg Bellach Coleg y Barri ("*Barry College Further Education Corporation*") a Chorfforaeth Addysg Bellach Coleg Glan Hafren ("*Coleg Glan Hafren Further Education Corporation*").

Diddymu a throsglwyddo

3. Ar 1 Awst 2011 mae pob un o'r Hen Gorfforaethau wedi eu diddymu ac mae eu holl eiddo, hawliau a rhwymedigaethau wedi eu trosglwyddo yn unol ag adran 27(2) o'r Ddeddf i Gorfforaeth Addysg Bellach Coleg Caerdydd a'r Fro ("*Cardiff and Vale College 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 2011 fel petai 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;

(**1**) Sefydlwyd Corfforaeth Addysg Bellach Coleg y Barri gan Orchymyn Addysg (Corfforaethau Addysg Bellach) 1992 (O.S. 1992/2097).

(**2**) Sefydlwyd Corfforaeth Addysg Bellach Coleg Glan Hafren gan Orchymyn Addysg (Corfforaethau Addysg Bellach) 1992 (O.S. 1992/2097).

(**3**) 1992 p.13.

Coleg y Barri")(**1**) and Coleg Glan Hafren Further Education Corporation ("*Corfforaeth Addysg Bellach Coleg Glan Hafren*")(**2**).

The Welsh Ministers have consulted with Barry College Further Education Corporation ("*Corfforaeth Addysg Bellach Coleg y Barri*") and Coleg Glan Hafren Further Education Corporation ("*Corfforaeth Addysg Bellach Coleg Glan Hafren*"), in accordance with section 27(7) of that Act.

Title and commencement

1. The title of this Order is the Barry College Further Education Corporation and Coleg Glan Hafren Further Education Corporation (Dissolution) Order 2011 and it comes into force on 1 August 2011.

Interpretation

2. In this Order—

"the Act" ("*y Ddeddf*") means the Further and Higher Education Act 1992(**3**); and

"the Old Corporations" ("*yr Hen Gorfforaethau*") means Barry College Further Education Corporation ("*Corfforaeth Addysg Bellach Coleg y Barri*") and Coleg Glan Hafren Further Education Corporation ("*Corfforaeth Addysg Bellach Coleg Glan Hafren*").

Dissolution and transfer

3. On 1 August 2011 each of the Old Corporations is dissolved and all of their property, rights and liabilities are transferred in accordance with section 27(2) of the Act to the Cardiff and Vale College Further Education Corporation ("*Corfforaeth Addysg Bellach Coleg Caerdydd a'r Fro*"), 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 2011 as if the references in that section to—

(a) a person to whom that section applies were to a person so employed;

(**1**) Barry College Further Education Corporation was established by the Education (Further Education Corporations) Order 1992 (S.I. 1992/2097).

(**2**) Coleg Glan Hafren Further Education Corporation was established by the Education (Further Education Corporations) Order 1992 (S.I. 1992/2097).

(**3**) 1992 c.13.

(b) at y dyddiad gweithredol yn gyfeiriadau at 1 Awst 2011;

(c) at y trosglwyddwr yn gyfeiriadau at unrhyw un o'r Hen Gorfforaethau sy'n cyflogi'r person yn union cyn 1 Awst 2011; ac

(ch) at y gorfforaeth yn gyfeiriadau at Gorfforaeth Addysg Bellach Coleg Caerdydd a'r Fro ("*Cardiff and Vale College Further Education Corporation*").

(b) the operative date were to 1 August 2011;

(c) the transferor were to such of the Old Corporations by whom the person is employed immediately before 1 August 2011; and

(d) the corporation were to Cardiff and Vale College Further Education Corporation ("*Corfforaeth Addysg Bellach Coleg Caerdydd a'r Fro*").

Leighton Andrews

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

14 Mehefin 2011

Minister for Education and Skills, one of the Welsh Ministers

14 June 2011

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