



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 3045 (Cy. 304)

2013 No. 3045 (W. 304)

ADDYSG, CYMRU

EDUCATION, WALES

Gorchymyn Corfforaeth Addysg
Bellach Coleg Ceredigion
(Diddymu) a Choleg Ceredigion
(Sefydliad Dynodedig mewn
Addysg Bellach) 2013

The Coleg Ceredigion Further
Education Corporation
(Dissolution) and Coleg Ceredigion
(Designated Institution in Further
Education) Order 2013

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'r gorfforaeth addysg bellach a sefydlwyd i redeg Coleg Ceredigion ("Coleg Ceredigion") a hynny'n effeithiol o 31 Rhagfyr 2013. Mae hefyd yn dynodi Coleg Ceredigion ("Coleg Ceredigion"), sef coleg newydd a fydd yn cael ei redeg gan gwmni cofrestredig cyfyngedig, drwy warant at ddibenion adran 28 o Ddeddf Addysg Bellach ac Uwch 1992 ("y Ddeddf").

This Order dissolves the further education corporation established to conduct Coleg Ceredigion ("Coleg Ceredigion") with effect from 31 December 2013. It also designates Coleg Ceredigion ("Coleg Ceredigion"), 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").

Mae'n darparu ar gyfer trosglwyddo eiddo, hawliau a rhwymedigaethau'r gorfforaeth i Goleg Ceredigion ("Coleg Ceredigion") ac mae'n diogelu hawliau cyflogaeth cyflogeion y gorfforaeth a ddiddymwyd drwy gymhwyso, gydag addasiadau, adran 26(2) i (4) o'r Ddeddf.

It provides for the transfer of the property, rights and liabilities of the corporation to Coleg Ceredigion ("Coleg Ceredigion") and secures the employment rights of the employees of the dissolved corporation by applying, with modifications, section 26(2) to (4) of the Act.

Effaith cymhwyso adran 26(2) i (4) o'r Ddeddf yw cadw contractau cyflogaeth cyflogeion y gorfforaeth a ddiddymwyd fel petai'r contractau cyflogaeth wedi eu gwneud yn wreiddiol rhwng y cyflogeion a Choleg Ceredigion ("Coleg Ceredigion"). Daw cyflogeion y gorfforaeth a ddiddymwyd yn gyflogeion Coleg Ceredigion ("Coleg Ceredigion") o 31 Rhagfyr 2013.

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of preserving the employment contracts of employees of the dissolved corporation as if the contracts of employment were originally made between the employees and Coleg Ceredigion ("Coleg Ceredigion"). The employees of the dissolved corporation will become employees of Coleg Ceredigion ("Coleg Ceredigion") from 31 December 2013.

Ystyr dynodi Coleg Ceredigion ("Coleg Ceredigion") yw y dylid trin y sefydliad fel sefydliad o fewn y sector addysg bellach at ddibenion y Deddfau Addysg (o fewn yr ystyr a roddir gan adrannau 91(1) a 91(3) o'r Ddeddf ac adran 578 o Ddeddf Addysg 1996).

The designation of Coleg Ceredigion ("Coleg Ceredigion") 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).

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

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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(Diddymu) a Choleg Ceredigion
(Sefydliad Dynodedig mewn
Addysg Bellach) 2013

The Coleg Ceredigion Further
Education Corporation
(Dissolution) and Coleg Ceredigion
(Designated Institution in Further
Education) Order 2013

Gwnaed 3 Rhagfyr 2013

Made 3 December 2013

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 5 Rhagfyr 2013

Laid before the National Assembly for Wales
5 December 2013

Yn dod i rym 31 Rhagfyr 2013

Coming into force 31 December 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) a thrwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 28 o'r Ddeddf honno ac a freiniwyd bellach ynddynt hwy(2).

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).

Yn unol ag adran 27C(2) o Ddeddf Addysg Bellach ac Uwch 1992, mae Coleg Ceredigion (“*Coleg Ceredigion*”)(3) wedi cydsynio i'r trosglwyddiad o eiddo, hawliau a rhwymedigaethau Corfforaeth Addysg Bellach Coleg Ceredigion (“*Coleg Ceredigion Further Education Corporation*”).

In accordance with section 27C(2) of the Further and Higher Education Act 1992, Coleg Ceredigion (“*Coleg Ceredigion*”)(3) has consented to the transfer of the property, rights and liabilities of Coleg Ceredigion Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Ceredigion*”).

Mae Gweinidogion Cymru wedi ymgynghori â Chorfforaeth Addysg Bellach Coleg Ceredigion

The Welsh Ministers have consulted with Coleg Ceredigion Further Education Corporation

(1) 1992 p.13; rhoddwyd adran 27C yn lle adran 27 fel y'i deddfwyd yn wreiddiol, gan Ddeddf Addysg 2011 (p.21), adran 49, Atodlen 12, paragraffau 1 a 7.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 28 o Ddeddf Addysg Bellach ac Uwch 1992 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32.) a pharagraff 30(1) a 30(2)(a) o Atodlen 11 iddi.

(3) Ymgorfforwyd ar 9 Hydref 2013 yn gwmni cyfyngedig drwy warant a chofrestrwyd â rhif cwmni 08725643.

(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 9 October 2013 as a company limited by guarantee and registered with company number 08725643.

(“*Coleg Ceredigion 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 Ceredigion (Diddymu) a Choleg Ceredigion (Sefydliad Dynodedig mewn Addysg Bellach) 2013 a daw i rym ar 31 Rhagfyr 2013.

Dehongli

2. Yn y Gorchymyn hwn ystyr “y Ddeddf” (“*the Act*”) yw Deddf Addysg Bellach ac Uwch 1992.

Diddymu a throsglwyddo

3. Ar 31 Rhagfyr 2013 mae Corfforaeth Addysg Bellach Coleg Ceredigion (“*Coleg Ceredigion Further Education Corporation*”) wedi ei diddymu a throsglwyddir ei holl eiddo, hawliau a rhwymedigaethau yn unol ag adran 27C(2) o’r Ddeddf i Goleg Ceredigion (“*Coleg Ceredigion*”), sef corff corfforaethol sydd wedi ei sefydlu at ddibenion sy’n cynnwys darparu cyfleusterau neu wasanaethau addysgol, ac sy’n elusen sydd wedi ei sefydlu at ddibenion elusennol sy’n ddibenion addysgol yn unig.

Trosglwyddo Staff

4. Mae adran 26(2), (3) a (4) o’r Ddeddf yn gymwys i unrhyw berson a gyflogir gan Gorfforaeth Addysg Bellach Coleg Ceredigion (“*Coleg Ceredigion Further Education Corporation*”) yn union cyn 31 Rhagfyr 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 31 Rhagfyr 2013;
- (c) at y trosglwyddwr yn gyfeiriadau at Gorfforaeth Addysg Bellach Coleg Ceredigion (“*Coleg Ceredigion Further Education Corporation*”); a
- (d) at y gorfforaeth yn gyfeiriadau at Goleg Ceredigion (“*Coleg Ceredigion*”).

Dynodi

5. Mae Coleg Ceredigion (“*Coleg Ceredigion*”), sef sefydliad addysgol o’r math a ddisgrifir yn is-adrannau (1) a (2) o adran 28 o’r Ddeddf, wedi ei ddynodi fel sefydliad at ddibenion yr adran honno.

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

Title and commencement

1. The title of this Order is the Coleg Ceredigion Further Education Corporation (Dissolution) and Coleg Ceredigion (Designated Institution in Further Education) Order 2013 and it comes into force on 31 December 2013.

Interpretation

2. In this Order “the Act” (“*y Ddeddf*”) means the Further and Higher Education Act 1992.

Dissolution and transfer

3. On 31 December 2013 Coleg Ceredigion Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Ceredigion*”) is dissolved and all of its property, rights and liabilities are transferred in accordance with section 27C(2) of the Act to Coleg Ceredigion (“*Coleg Ceredigion*”), 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 Ceredigion Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Ceredigion*”) immediately before 31 December 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 31 December 2013;
- (c) the transferor were to the Coleg Ceredigion Further Education Corporation (“*Corfforaeth Addysg Bellach Coleg Ceredigion*”); and
- (d) the corporation were to Coleg Ceredigion (“*Coleg Ceredigion*”).

Designation

5. Coleg Ceredigion (“*Coleg Ceredigion*”), being an educational institution of the kind described in subsections (1) and (2) of section 28 of the Act, is designated as an institution for the purposes of that section.

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion
Cymru

Minister for Education and Skills,
one of the Welsh Ministers

3 Rhagfyr 2013

3 December 2013

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