

2013 No. 3045 (W. 304)

EDUCATION, WALES

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

EXPLANATORY NOTE

(This note is not part of the Order)

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”).

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.

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of preserving the employment contracts of employees of the dissolved corporation as if the contracts of employment were originally made between the employees and Coleg Ceredigion (“*Coleg Ceredigion*”).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.

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).

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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EDUCATION, WALES

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

Made *3 December 2013*

Laid before the National Assembly for Wales

5 December 2013

Coming into force *31 December 2013*

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 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*”).

The Welsh Ministers have consulted with Coleg Ceredigion Further Education Corporation

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

(“*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

Minister for Education and Skills,
one of the Welsh Ministers

3 December 2013