WELSH STATUTORY INSTRUMENTS

# 2009 No. 1841 (W.167)

# EDUCATION, WALES

## The Welsh College of Horticulture (Dissolution) Order 2009

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| *Made - - - -* | *9 July 2009* |
| *Laid before the National Assembly for Wales - -* | *10 July 2009* |
| *Coming into force - -* | *1 August 2009* |

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

In accordance with section 27(7)(a) of the Act, they have consulted the further education corporation known as the Welsh College of Horticulture (**3**) ("WCoH"). In accordance with section 27(2), the Order is made with the consent of the further education corporation known as Deeside College(**4**) and the higher education corporation known as Glyndŵr University(**5**).

### Title and Commencement

**1.** The title of this Order is the Welsh College of Horticulture (Dissolution) Order 2009 and comes into force on 1 August 2009.

### Dissolution and ransfer

**2.** On 1 August 2009 WCoH is dissolved and—

(a) all of WCoH's property, rights and liabilities specified in Part 1 of the Schedule to this Order are transferred to Glyndŵr University, being a body corporate established for purposes which include the provision of educational facilities or services;

(b) all of WCoH's property, rights and liabilities specified in Part 2 of the Schedule are transferred to Glyndŵr University and Deeside College to hold on trust for themselves as

(**1**) 1992 c. 13. Section 27 was amended by paragraph 16 of Schedule 1 to 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) and by paragraph 8 of Schedule 1 to the Further and Higher Education Act 2007 (c. 25).

(**2**) Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672). The functions of the National Assembly for Wales transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**3**) Established by the Education (Further Education Corporations) Order 1992 (S.I. 1992/2097).

(**4**) Established by the Education (Further Education Corporations) Order 1993 (S.I. 1993/97).

(**5**) Established by the Education (Higher Education Corporations) (Wales) (No.3) Order 1993 (S.I. 1993/56) under the name of North East Wales Institute and renamed Glyndŵr University on 3 July 2008.

tenants in common in equal shares and on trust to be used for charitable purposes which are exclusively educational purposes;

(c) all other property, rights and liabilities of WCoH not included in paragraphs (a) and (b) of this Article are transferred to Deeside College.

**Transfer of Staff**

**3.** Section 26(2), (3) and (4) of the Act applies to any person employed by WCoH immediately before 1 August 2009 as if the references in that section—

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

(b) to the operative date were to 1 August 2009;

(c) to the transferor were to WCoH;

(d) to the corporation were to Deeside College, save in relation to those employees designated in Part 3 of the Schedule ("the Part 3 Employees");

(e) to the corporation in relation to the Part 3 Employees were to Glyndŵr University.

*J Griffiths*
Deputy Minister for Skills under authority of the Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

9 July 2009