

**2009 No. 1841 (W. 167)**

**EDUCATION, WALES**

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

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order dissolves with effect from 1 August 2009 the further education corporation established to conduct the Welsh College of Horticulture. It provides for the transfer of its property, rights and liabilities to Deeside College and Glyndŵr University and certain other property, rights and liabilities which will be transferred to Deeside College and Glyndŵr University to hold for educational purposes. The Order secures the rights of the corporation's employees by applying section 26(2) to (4) of the Further and Higher Education Act 1992.

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

**2009 No. 1841 (W. 167)**

**EDUCATION, WALES**

The Welsh College of Horticulture  
(Dissolution) Order 2009

*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).

- 
- (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.

## **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 Transfer**

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 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.

*John 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

## SCHEDULE

Articles 2 and 3

### PART 1

#### Property, Rights and Liabilities transferring to Glyndŵr University

1. The benefit subject to the burden and all rights and liabilities arising from or in connection with an agreement made between (1) the Welsh College of Horticulture and (2) the University of Glamorgan dated 6 February 2007.

2. All interests and associated rights and liabilities of WCoH in land at Northop Flintshire which is more particularly delineated edged black and hatched on the plan attached to this Order being part of the land comprised in an agreement dated 31 October 2000 made between (1) The County Council of Flintshire (2) Education Transfer Council and (3) Welsh College of Horticulture and the buildings thereon.

3. All other property, rights and liabilities of WCoH used, enjoyed and incurred by it exclusively to deliver higher education and associated services from the land and premises described above or arising from them [or otherwise].

### PART 2

#### Property, Rights and Liabilities transferring to Deeside College and Glyndŵr University

4. All interests and associated rights and liabilities of WCoH in land at Northop Flintshire which is more particularly delineated edged black and cross hatched on the plan attached to this Order being part of the land comprised in an agreement dated 31 October 2000 made between (1) The County Council of Flintshire (2) Education Transfer Council and (3) Welsh College of Horticulture including the whole of the land registered at the Land Registry, Wales Office under title number CYM12524 and the whole of the land registered at the Land Registry, Wales Office under title number WA613240.

5. All other property, rights and liabilities of WCoH used, enjoyed or incurred by it to deliver further and higher education and associated services from the land described above or arising from it.

## PART 3

### Employees transferring to Glyndŵr University

Richard Martin Lewis

Mark Birtles Simkin

David Skidmore

Peter Edward Styles

Nicola Sweeting

Angela Winstanley

Tamsin Jane Young

# Plan attached to the Welsh College of Horticulture (Dissolution) Order 2009

