

Explanatory Memorandum to the Welsh College of Horticulture (Dissolution) (Amendment) Order 2009

This Explanatory Memorandum has been prepared by the Department for Children Education Lifelong Learning and Skills and is laid before the National Assembly for Wales in accordance with Standing Order 15.2.

(i) Description –

This Order corrects a translation error made in the original Welsh College of Horticulture (Dissolution) Order (Wales) (No 2) Regulations 2009 (SI No. 1841 (W.167)).

(ii) Matters of special interest to the Subordinate Legislation Committee

This submission is required to support the publication of an Amendment Order (S.I 2009 No. 2633 (W.216)) which corrects a translation error in the Welsh text of the original Order that was highlighted by the Subordinate Legislation Committee and reported under Standing Order 15.2.

(iii) Legislative Background –

The Order is made using powers of the Welsh Ministers under Section 27 of the Further and Higher Education Act 1992 and follows the negative resolution procedure.

Under Sections 31 and 32 of the Learning and Skills Act 2000, the Welsh Ministers must secure proper facilities for education and training which are suitable to the requirements of 16-18 year old learners, and reasonable facilities which are suitable to the requirements of learners aged 19 years and over.

(iv) Purpose and intended effect of the legislation –

The original Order referred to the dissolution of the corporation of the Welsh College of Horticulture to enable the transfer of all existing Further Education, Work Based learning and commercial operations at the College to Deeside College; alongside the transfer of all Higher Education provision to Glyndŵr University who will establish a University campus at the Northop site.

In the Welsh text of the Welsh College of Horticulture (Dissolution) Order 2009, at paragraph 2 of Part 1 of the Schedule the text “ymyl du a chroeslinellau” needs to be removed and substituted with “ymyl du a llinellau lletraws”. (Omit “edged black and cross-hatched” and substitute with “edged black and lined diagonally”). The correction will avoid ambiguity.

(v) Implementation –

The English version of the text is set out correctly, however, the Welsh translation could cause confusion should boundaries be subject to challenge. Correction of the relevant text will avoid ambiguity.

(vi) Consultation –

Consultation not required as the minor changes required will not affect stakeholders.

For the purposes of Section 27 of the 1992 Act, the transfer of property, rights and liabilities described in the Dissolution Order was made with the consent of Deeside College and Glyndŵr University respectively.

(vii) Regulatory Impact Assessment –

A Regulatory Impact Assessment has not been prepared as the amendment referred to in this Order has no impact on the costs of business.