

Executive Note

The Robert Gordon University (Establishment) (Scotland) Order 2006 SSI/2006/276

The above instrument was made in exercise of the powers conferred by sections 46 and 60 of the Further and Higher Education (Scotland) Act 1992 (“the 1992 Act”). The instrument is subject to negative resolution procedure.

Policy Objectives

Section 46 of the 1992 Act makes provision for the establishment of designated higher education institutions. The Robert Gordon University (“the University”) is a designated institution under section 44 of the 1992 Act. It is also a fundable body and is eligible to receive funding from the Scottish Further and Higher Education Funding Council under Schedule 2 of the Further and Higher Education (Scotland) Act 2005.

At present Robert Gordon University’s body corporate and governing body, under the Robert Gordon University (Scotland) Order of Council 1993 (“the 1993 Order”), is The Governors of The Robert Gordon University and the University holds a number of properties in this name. However, in all other aspects, including all primary and secondary legislation in which the University appears, it is referred to as “The Robert Gordon University”. The University therefore wishes to make its body corporate the University itself and address the fact that at present both the University and the governing body co-exist as 2 legal entities.

This instrument provides for the desired change to the University’s body corporate. It establishes a new institution of higher education called The Robert Gordon University and incorporates it as a body corporate. A new governance instrument, the Robert Gordon University (Scotland) Order of Council 2006, is also being made. This makes new provision regarding the constitution, functions and powers of The Robert Gordon University and the arrangements to be adopted in discharging its functions. It will provide for a modern constitution in a clearer format and will replace the provisions in the existing 1993 Order.

A further instrument The Robert Gordon University (Closure) (Scotland) Order 2006 is to be made which will close and dissolve the old University and its governing body. The Order will transfer the whole property, rights, liabilities, obligations and contracts of the University to the new body corporate and provides for the transfer of staff to the body corporate without a break in their employment.

Consultation

Robert Gordon University has been consulted during the preparation of the instrument.

Financial Effects

A Regulatory Impact Assessment has not been prepared as this instrument has no financial effects on the Scottish Executive, local government or on business.

Scottish Executive Enterprise, Transport and Lifelong Learning Department
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