

Executive Note

The Designation of Institutions of Higher Education (Scotland) Amendment Order 2006 SSI/2006/398

The above instrument was made in exercise of the powers conferred by sections 44 and 60 of the Further and Higher Education (Scotland) Act 1992. The instrument is subject to negative resolution procedure.

Policy Objectives

This instrument amends the Designation of Institutions of Higher Education (Scotland) Order (“the 2006 Order”), which came into force on 13 June 2006. It makes transitional provision in relation to the Designation of Institutions of Higher Education (Scotland) Order 1992 (“the 1992 Order”) by reinstating designated institution status to The Robert Gordon University as originally constituted for a transitional period until an order is made under section 47 of the Further and Higher Education (Scotland) Act 1992 to close it. The absence of such a transitional provision in the 2006 Order effectively means that the University is not a designated institution of higher education.

The 2006 Order is one of a number of Orders which give effect to Robert Gordon University’s desire 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 change necessitates the closing of the university as it is currently constituted and establishing a new institution of higher education. A new Robert Gordon University was established by the Robert Gordon University (Establishment) (Scotland) Order 2006 and came into force on 13 June 2006. The original Robert Gordon University (as constituted under The Robert Gordon University (Scotland) Order of Council 1993 Order) will be closed by the Robert Gordon University (Closure) (Scotland) Order 2006 in the autumn. The original Robert Gordon University requires to retain its designated institution status until such closure order comes into force; therefore, the 2006 Order requires to be amended by the addition of transitional provision.

Consultation

Robert Gordon University have 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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