

2014 No. 52

EDUCATION

**The Coatbridge College (Transfer and Closure) (Scotland) Order
2014**

Made - - - - - *26th February 2014*

Laid before the Scottish Parliament *28th February 2014*

Coming into force - - - *1st April 2014*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 3(1)(c), 25(1), (1A), (2) and (5) and 60(3) of the Further and Higher Education (Scotland) Act 1992(a) and of all other powers enabling them to do so.

In accordance with section 5(1) of that Act, they have consulted the education authority for the area in which Coatbridge College is situated and any other person appearing to them to be affected by the proposal.

In accordance with section 25(7) of that Act, the Board of Management of New College Lanarkshire has consented to the transfer and vesting of property, rights, liabilities and obligations provided for in this Order.

Citation and commencement

1. This Order may be cited as the Coatbridge College (Transfer and Closure) (Scotland) Order 2014 and comes into force on 1st April 2014.

Interpretation

2. In this Order—

“the 1992 Act” means the Further and Higher Education (Scotland) Act 1992;

“Coatbridge” means the institution named Coatbridge College being a college of further education prescribed under section 11(1) of the 1992 Act(b);

“the Coatbridge Board” means the Board of Management of Coatbridge College established as a body corporate by section 11(2) of the 1992 Act;

“enactment” has the meaning given in schedule 1 to the Interpretation and Legislative Reform (Scotland) Act 2010(c);

(a) 1992 c.37. Section 3(1) was amended by the Further and Higher Education (Scotland) Act 2005 (asp 6) (“the 2005 Act”), section 32 and schedule 3, paragraph 6(1)(a). Section 25 was amended by section 29(1) of the 2005 Act and by S.S.I. 2006/216. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) Coatbridge College is prescribed by S.I. 1992/1597.

(c) 2010 asp 10.

“New College Lanarkshire” means the institution named New College Lanarkshire being a college of further education prescribed under section 11(1) of the 1992 Act^(a); and

“the New College Lanarkshire Board” means the Board of Management of New College Lanarkshire established as a body corporate by section 11(2) of the 1992 Act, which is a charity entered in the Scottish Charity Register, charity number SC021206.

Transfer of property, rights, liabilities and obligations

3.—(1) All property, rights, liabilities and obligations of the Coatbridge Board are transferred to and vested in the New College Lanarkshire Board.

(2) Any reference to Coatbridge or the Coatbridge Board in any instrument is to be construed as a reference to either New College Lanarkshire or the New College Lanarkshire Board as may be appropriate.

(3) Any action or proceeding by or against the Coatbridge Board pending or current, immediately before this Order comes into force, may be continued by or against the New College Lanarkshire Board.

(4) For the purposes of this article, “instrument” does not include enactment.

Property provided with grant aid

4. Where the Grant-aided Colleges (Scotland) Grant Regulations 1989^(b) applied to the Coatbridge Board in respect of any land or buildings immediately before they were transferred by this Order, those Regulations apply to the New College Lanarkshire Board in respect of such land and buildings.

Transfer of staff

5.—(1) All employees of the Coatbridge Board are transferred to the New College Lanarkshire Board and the contract of employment of each such employee has effect as if originally made between each such employee and the New College Lanarkshire Board.

(2) In particular—

(a) all the rights, powers, duties and liabilities of the Coatbridge Board under or in connection with a contract to which paragraph (1) applies are, by virtue of this paragraph, transferred to the New College Lanarkshire Board; and

(b) anything done before the transfer referred to in paragraph (1) by or in relation to the Coatbridge Board in respect of that contract or the employee is deemed, on and after that transfer, to have been done by or in relation to the New College Lanarkshire Board.

(3) Paragraphs (1) and (2) are without prejudice to any right of an employee to terminate their contract of employment if the terms and conditions of employment are changed substantially to the detriment of that employee, but such change is not to be taken to have occurred by reason only of the fact that the employer under that employee’s contract of employment is changed by virtue of this article.

(4) Paragraphs (1) and (2) apply to a person who has entered into a contract of employment with the Coatbridge Board, which is to come into effect after the coming into force of this article and who would, if the contract had come into effect before that date, have been an employee to whom those paragraphs would have applied.

(a) New College Lanarkshire is prescribed by S.I. 1992/1597. The name of New College Lanarkshire was changed from Motherwell College on 1st November 2013 in accordance with section 3(4) of the Further and Higher Education (Scotland) Act 1992 (c.37) (“the 1992 Act”). Section 3(4) of the 1992 Act was amended by section 30 of the Further and Higher Education (Scotland) Act 2005.

(b) S.I. 1989/433, amended by S.I. 1993/489.

Closure of institution

6. Coatbridge is closed and the Coatbridge Board is wound up and dissolved.

Amendment of the Post-16 Education (Scotland) Act 2013 (Commencement No. 3 and Transitory and Savings Provisions) Order 2014

7. In Schedule 2 to the Post-16 Education (Scotland) Act 2013 (Commencement No. 3 and Transitory and Savings Provisions) Order 2014^(a) omit the entry for The Board of Management of Coatbridge College.

St Andrew's House,
Edinburgh
26th February 2014

MICHAEL RUSSELL
A member of the Scottish Government

^(a) S.S.I. 2014/21.

EXPLANATORY NOTE

(This note is not part of the Order)

On 1st April 2014 Coatbridge College will cease to exist.

This Order transfers the whole property, rights, liabilities and obligations of the Board of Management of Coatbridge College to the Board of Management of New College Lanarkshire (article 3). It makes consequential provisions regarding property provided with the aid of a grant (article 4). It provides for the staff of Coatbridge College to transfer to employment with New College Lanarkshire without a break in their employment (article 5). It provides for Coatbridge College to be closed and its Board of Management wound up and dissolved (article 6).

This Order also removes the Board of Management of Coatbridge College from Schedule 2 to the Post-16 Education (Scotland) Act 2013 (Commencement No. 3 and Transitory and Savings Provisions) Order 2014 (S.S.I. 2014/21) in consequence of the dissolution of the Board of Management of Coatbridge College (article 7).

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