

2013 No. 354

EDUCATION

**The Colleges of Further Education (Transfer and Closure)
(Scotland) Order 2013**

Made - - - - *17th December 2013*

Laid before the Scottish Parliament *19th December 2013*

Coming into force - - *22nd February 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 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 each of Central College Glasgow, Clackmannan College of Further Education, Fife College of Further and Higher Education, Glasgow College of Building and Printing, Glasgow College of Food Technology, Glasgow College of Nautical Studies and Glenrothes College is, or was, 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 City of Glasgow College, the Board of Management of Fife College and the Board of Management of Forth Valley College of Further and Higher Education have 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 Colleges of Further Education (Transfer and Closure) (Scotland) Order 2013 and comes into force on 22nd February 2014.

Interpretation

2. In this Order—

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

(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).

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

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

“City of Glasgow” means the institution named City of Glasgow College being a college of further education established under section 3 of the 1992 Act(b);

“the City of Glasgow Board” means the Board of Management of City of Glasgow College established under section 3 of the 1992 Act, which is a charity entered in the Scottish Charity Register, charity number SC036198;

“Clackmannan” means the institution named Clackmannan College of Further Education being a college of further education prescribed under section 11(1) of the 1992 Act(c);

“the Clackmannan Board” means the Board of Management of Clackmannan College of Further Education 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(d);

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

“the Fife College Board” means the Board of Management of Fife College 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 SC021203;

“Fife College of Further and Higher Education” means the institution named Fife College of Further and Higher Education being a college of further education prescribed under section 11(1) of the 1992 Act(f);

“the Fife College of Further and Higher Education Board” means the Board of Management of Fife College of Further and Higher Education established as a body corporate by section 11(2) of the 1992 Act;

“Forth Valley” means the institution named Forth Valley College of Further and Higher Education being a college of further education prescribed under section 11(1) of the 1992 Act(g);

“the Forth Valley Board” means the Board of Management of Forth Valley College of Further and Higher Education 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 SC021191;

“Glasgow Building” means the institution named Glasgow College of Building and Printing being a college of further education prescribed under section 11(1) of the 1992 Act(h);

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

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- (a) Central College Glasgow is prescribed by S.I. 1992/1597. The name of Central College Glasgow was changed from Central College of Commerce on 1st January 2009 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) City of Glasgow College and the Board of Management of City of Glasgow College were established by S.S.I 2004/274. The name of City of Glasgow College was changed from Glasgow Metropolitan College on 1st August 2012 in accordance with section 3(4) of the 1992 Act.
- (c) Clackmannan College of Further Education is prescribed by S.I. 1992/1597.
- (d) 2010 asp 10.
- (e) Fife College is prescribed by S.I. 1992/1597. The name of Fife College was changed from Carnegie College on 1st August 2013 and the name of Carnegie College was changed from Lauder College on 30th November 2007, all in accordance with section 3(4) of the 1992 Act.
- (f) Fife College of Further and Higher Education is prescribed by S.I. 1992/1597. The name of Fife College of Further and Higher Education was changed from Fife College of Technology by S.I. 1993/1891.
- (g) Forth Valley College of Further and Higher Education is prescribed by S.I. 1992/1597. The name of Forth Valley College of Further and Higher Education was changed from Falkirk College of Further and Higher Education by S.I. 2005/317 and the name of Falkirk College of Further and Higher Education was changed from Falkirk College of Technology by S.I. 1995/2960.
- (h) Glasgow College of Building and Printing is prescribed by S.I. 1992/1597.

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

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

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

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

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

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

“instrument” does not include enactment.

Transfer from Central College Glasgow

3.—(1) All property, rights, liabilities and obligations of the Central College Board are, to the extent not already transferred, transferred to and vested in the City of Glasgow Board.

(2) Any reference to Central College and the Central College Board in any instrument is to be construed as a reference to either City of Glasgow or the City of Glasgow Board as may be appropriate.

(3) Any action or proceeding by or against the Central College Board pending or current, immediately before this Order comes into force, may be continued by or against the City of Glasgow Board.

Closure of Central College Glasgow

4. Central College is closed and the Central College Board is wound up and dissolved.

Transfer from Clackmannan College of Further Education

5.—(1) All property, rights, liabilities and obligations of the Clackmannan Board are, to the extent not already transferred, transferred to and vested in the Forth Valley Board.

(2) Any reference to Clackmannan and the Clackmannan Board in any instrument is to be construed as a reference to either Forth Valley or the Forth Valley Board as may be appropriate.

(3) Any action or proceeding by or against the Clackmannan Board pending or current, immediately before this Order comes into force, may be continued by or against the Forth Valley Board.

Closure of Clackmannan College of Further Education

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

Transfer from Fife College of Further and Higher Education

7.—(1) All property, rights, liabilities and obligations of the Fife College of Further and Higher Education Board are, to the extent not already transferred, transferred to and vested in the Fife College Board.

(a) Glasgow College of Food Technology is prescribed by S.I. 1992/1597.

(b) Glasgow College of Nautical Studies is prescribed by S.I. 1992/1597.

(c) Glenrothes College is prescribed by S.I. 1992/1597.

(2) Any reference to Fife College of Further and Higher Education and the Fife College of Further and Higher Education Board in any instrument is to be construed as a reference to either Fife College or the Fife College Board as may be appropriate.

(3) Any action or proceeding by or against the Fife College of Further and Higher Education Board pending or current, immediately before this Order comes into force, may be continued by or against the Fife College Board.

Closure of Fife College of Further and Higher Education

8. Fife College of Further and Higher Education is closed and the Fife College of Further and Higher Education Board is wound up and dissolved.

Transfer from Glasgow College of Building and Printing

9.—(1) All property, rights, liabilities and obligations of the Glasgow Building Board are, to the extent not already transferred, transferred to and vested in the City of Glasgow Board.

(2) Any reference to Glasgow Building and the Glasgow Building Board in any instrument is to be construed as a reference to either City of Glasgow or the City of Glasgow Board as may be appropriate.

(3) Any action or proceeding by or against the Glasgow Building Board pending or current, immediately before this Order comes into force, may be continued by or against the City of Glasgow Board.

Closure of Glasgow College of Building and Printing

10. Glasgow Building is closed and the Glasgow Building Board is wound up and dissolved.

Transfer from Glasgow College of Food Technology

11.—(1) All property, rights, liabilities and obligations of the Glasgow Food Board are, to the extent not already transferred, transferred to and vested in the City of Glasgow Board.

(2) Any reference to Glasgow Food and the Glasgow Food Board in any instrument is to be construed as a reference to either City of Glasgow or the City of Glasgow Board as may be appropriate.

(3) Any action or proceeding by or against the Glasgow Food Board pending or current, immediately before this Order comes into force, may be continued by or against the City of Glasgow Board.

Closure of Glasgow College of Food Technology

12. Glasgow Food is closed and the Glasgow Food Board is wound up and dissolved.

Transfer from Glasgow College of Nautical Studies

13.—(1) All property, rights, liabilities and obligations of the Glasgow Nautical Board are, to the extent not already transferred, transferred to and vested in the City of Glasgow Board.

(2) Any reference to Glasgow Nautical and the Glasgow Nautical Board in any instrument is to be construed as a reference to either City of Glasgow or the City of Glasgow Board as may be appropriate.

(3) Any action or proceeding by or against the Glasgow Nautical Board pending or current, immediately before this Order comes into force, may be continued by or against the City of Glasgow Board.

Closure of Glasgow College of Nautical Studies

14. Glasgow Nautical is closed and the Glasgow Nautical Board is wound up and dissolved.

Transfer from Glenrothes College

15.—(1) All property, rights, liabilities and obligations of the Glenrothes Board are, to the extent not already transferred, transferred to and vested in the Fife College Board.

(2) Any reference to Glenrothes and the Glenrothes Board in any instrument is to be construed as a reference to either Fife College or the Fife College Board as may be appropriate.

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

Closure of Glenrothes College

16. Glenrothes is closed and the Glenrothes Board is wound up and dissolved.

Property provided with grant aid

17. Where the Grant-aided Colleges (Scotland) Grant Regulations 1989(a) applied in respect of any land and buildings immediately before they were transferred by this Order, those Regulations apply—

- (a) to the City of Glasgow Board in respect of land and buildings transferred by articles 3, 9, 11 and 13;
- (b) to the Fife College Board in respect of land and buildings transferred by articles 7 and 15; and
- (c) to the Forth Valley Board in respect of land and buildings transferred by article 5.

MICHAEL RUSSELL

A member of the Scottish Government

St Andrew's House,
Edinburgh
17th December 2013

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

EXPLANATORY NOTE

(This note is not part of the Order)

On 22nd February 2014 the following colleges (“the closing colleges”) will cease to exist—

- Central College Glasgow
- Clackmannan College of Further Education
- Fife College of Further and Higher Education
- Glasgow College of Building and Printing
- Glasgow College of Food Technology
- Glasgow College of Nautical Studies
- Glenrothes College

This Order transfers the whole property, rights, liabilities and obligations of the Boards of Management of the closing colleges to other colleges of further education (articles 3, 5, 7, 9, 11, 13 and 15). It makes consequential provision regarding property provided with the aid of a grant (article 17). It provides for the closing colleges to be closed and their Boards of Management to be wound up and dissolved (articles 4, 6, 8, 10, 12, 14 and 16).

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£5.75

S2013121814 12/2013 19585

<http://www.legislation.gov.uk/id/ssi/2013/354>

ISBN 978-0-11-102221-4



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