
STATUTORY INSTRUMENTS

1992 No. 1597 (S.152)

EDUCATION, SCOTLAND

**The Transfer of Colleges of Further
Education (Scotland) Order 1992**

<i>Made</i>	- - - -	<i>29th June 1992</i>
<i>Laid before Parliament</i>		<i>10th July 1992</i>
<i>Coming into force</i>		
<i>for the purposes of articles 1, 2 and 3</i>		<i>1st September 1992</i>
<i>For all other purposes</i>		<i>1st April 1993</i>

The Secretary of State, in exercise of the powers conferred on him by sections 11(1), 34(3), 60 and 61 of, and paragraph 3(1) of Schedule 8 to, the Further and Higher Education (Scotland) Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Transfer of Colleges of Further Education (Scotland) Order 1992 and shall come into force for the purposes of articles 1, 2 and 3 on 1st September 1992 and for all other purposes on 1st April 1993.

Transfer of management of colleges of further education

2. The colleges of further education specified in Schedule 1 to this Order are hereby prescribed for the purposes of section 11(1) of the Further and Higher Education (Scotland) Act 1992.

Beginning of transitional period

3. For the purposes of section 34(3) of the Further and Higher Education (Scotland) Act 1992, the date with which the transitional period begins is hereby prescribed as 1st September 1992 for each college of further education specified in Schedule 1 to this Order.

(1) 1992 c. 37; section 61 contains a definition of “prescribed” relevant to the exercise of the statutory powers under which this Order is made.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Amendment of subordinate legislation

4. The provisions of the subordinate legislation specified in Schedule 2 to this Order are hereby amended as stated therein.

St. Andrew's House,
Edinburgh
29th June 1992

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE 1

Article 2

COLLEGES OF FURTHER EDUCATION TRANSFERRED

Aberdeen College of Further Education
Angus College of Further Education
Anniesland College
Ayr College
Banff and Buchan College of Further Education
Bell College of Technology
Borders College
Cambuslang College
Cardonald College
Central College of Commerce
Clackmannan College of Further Education
Clydebank College
Coatbridge College
Cumbernauld College
Dundee College of Further Education
Dumfries and Galloway College of Technology
Elmwood College
Falkirk College of Technology
Fife College of Technology
Glasgow College of Building and Printing
Glasgow College of Food Technology
Glasgow College of Nautical Studies
Glenrothes College
Inverness College
James Watt College
Jewel and Esk Valley College
John Wheatley College
Kilmarnock College
Langside College
Lauder College
Lews Castle College
Moray College of Further Education
Motherwell College
North Glasgow College
Oatridge Agricultural College
Perth College of Further Education
Reid Kerr College

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Stevenson College
Stow College
Telford College
The Barony College
Thurso College
West Lothian College

SCHEDULE 2

Article 4

AMENDMENT OF SUBORDINATE LEGISLATION

1. In the Local Government (Compensation for Premature Retirement) (Scotland) Regulations 1979(2)—

(a) in regulation 3, in the definition of “educational establishment”, for the words “or (h)” there shall be substituted

“,(h) or (j)”;

(b) in regulation 21(1), for the words “or (h)” there shall be substituted

“,(h) or (j)”;

(c) in regulation 21(3)—

(i) at the end of sub-paragraph (a), the word “and” shall be deleted;

(ii) at the end of sub-paragraph (b) for the full stop there shall be substituted

“; and”; and

(iii) the following sub-paragraph shall be added:—

“(c) the date of closure of an educational establishment referred to in paragraph (j) of Schedule 1 shall be the date with effect from which the board of management of the establishment is dissolved by an Order made by virtue of section 25 of the Further and Higher Education (Scotland) Act 1992 and where no provision has been made in such Order for the transfer of the obligation imposed upon that establishment under regulation 20(1) of these Regulations.”; and

(d) at the end of Schedule 1—

(i) for the full stop there shall be substituted a semi-colon; and

(ii) the following paragraph shall be added:—

“(j) the board of management of a college of further education, which is managed by such a board in terms of Part I of the Further and Higher Education (Scotland) Act 1992.”.

2. In the Teachers' (Compensation for Premature Retirement) (Scotland) Regulations 1980(3)—

(a) in regulation 3, in the definition of “educational establishment”, for the words “or (d)” there shall be substituted

“, (d) or (e)”;

(b) in regulation 20(1), for the words “or (d)” there shall be substituted

(2) S.I.1979/785; relevant amending instrument is S.I. 1982/917.

(3) S.I. 1980/1254; relevant amending instruments are S.I. 1982/918 and 1986/412.

- “, (d) or (e)”;
- (c) in regulation 20(3)—
- (i) at the end of sub-paragraph (a), the word “and” shall be deleted;
 - (ii) at the end of sub-paragraph (b), for the full stop there shall be substituted “; and”; and
 - (iii) the following sub-paragraph shall be added:—
 - “(c) the date of closure of an educational establishment referred to in paragraph (e) of Schedule 4 shall be the date with effect from which the board of management of the establishment is dissolved by an Order made by virtue of section 25 of the Further and Higher Education (Scotland) Act 1992, and where no provision has been made in such Order for the transfer of the obligation imposed upon that establishment under regulation 19 of these Regulations.”; and
- (d) in Schedule 4—
- (i) at the end of paragraph (d) for the full stop there shall be substituted “; and”; and
 - (ii) the following paragraph shall be added:—
 - “(e) The board of management of a college of further education, which is managed by such a board in terms of Part I of the Further and Higher Education (Scotland) Act 1992.”.
- 3.** In the Education (Fees and Awards) (Scotland) Regulations 1983(4) at the end of the definition of “further education establishment” in regulation 4(2), there shall be inserted the words “or managed by a board of management in terms of Part I of the Further and Higher Education (Scotland) Act 1992”.
- 4.** In the Local Government Superannuation (Scotland) Regulations 1987(5), there shall be inserted at the end of Part I of Schedule 3 the following paragraph:—
- “5. A college of further education which is managed by a board of management in terms of Part I of the Further and Higher Education (Scotland) Act 1992.”.
- 5.** In the Education (Access Funds) (Scotland) Regulations 1990(6), at the end of regulation 2—
- (a) a semi-colon shall be substituted for the full stop; and
 - (b) the following sub-paragraph shall be added:—
 - “(e) a college of further education managed by a board of management in terms of Part I of the Further and Higher Education (Scotland) Act 1992.”.
- 6.** In paragraph 3 of Part IV of the Schedule to the Taxes (Relief for Gifts) (Designated Educational Establishments) Regulations 1992(7)—
- (a) at the end of sub-paragraph (a), the word “or” shall be deleted; and
 - (b) at the end of sub-paragraph (b)—
 - (i) the word “, or” shall be substituted for the full stop, and
 - (ii) the following sub-paragraph shall be added—

(4) S.I. 1983/1215; relevant amending instrument is S.I. 1992/1025.

(5) S.I. 1987/1850; relevant amending instruments are S.I. 1989/802 and 1990/422.

(6) S.I. 1990/1534; relevant amending instrument is S.I. 1992/1025.

(7) S.I. 1992/42; relevant amending instrument is S.I. 1992/1025.

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“(c) a board of management in terms of Part I of the Further and Higher Education (Scotland) Act 1992.”.

7. In Schedule 2 to the Teachers' Superannuation (Scotland) Regulations 1992⁽⁸⁾, the following paragraph shall be inserted after paragraph 4:—

“4A. Employment as a teacher in a college of further education which is managed by a board of management in terms of Part I of the Further and Higher Education (Scotland) Act 1992.”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the colleges of further education to be transferred from the management of education authorities to individual boards of management on 1st April 1993. It also prescribes 1st September 1992 as the date on which the transitional period (during which college councils will have certain additional powers) begins for college councils of colleges of further education so transferred and makes consequential amendments to subordinate legislation.

⁽⁸⁾ S.I. 1992/280, amended by S.I. 1992/1025.