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STATUTORY INSTRUMENTS

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**1993 No. 1701 (S.213)**

**EDUCATION, SCOTLAND**

**The Craigie College of Education  
(Closure) (Scotland) Order 1993**

<i>Made</i>	- - - -	<i>5th July 1993</i>
<i>Laid before Parliament</i>		<i>9th July 1993</i>
<i>Coming into force</i>	- -	<i>1st August 1993</i>

The Secretary of State in exercise of the powers conferred upon him by sections 47(1), (2), (4) and (6) and 60 of the Further and Higher Education (Scotland) Act 1992<sup>(1)</sup>, and of all other powers enabling him in that behalf, and after consulting the Scottish Higher Education Funding Council and the governing body of the institution proposed to be closed in accordance with section 47(5) of that Act, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Craigie College of Education (Closure) (Scotland) Order 1993 and shall come into force on 1st August 1993.

**Interpretation**

2. In this Order, unless the context otherwise requires, the following expressions shall have the meanings respectively assigned to them:—

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

“the College” means Craigie College of Education, being an institution designated under section 44 of the Act;

“governing body”—

- (a) in relation to the College, means The Governors of Craigie College of Education, constituted and incorporated by regulation 10 of the Colleges of Education (Scotland) Regulations 1987<sup>(2)</sup>;

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(1) 1992 c. 37.

(2) S.I.1987/309 amended by S.I. 1989/433 and 1993/490.

- (b) in relation to the University, means the Court of the University of Paisley constituted and incorporated by the Paisley College of Technology Scheme 1954(3) and renamed as narrated in Articles 3 and 4 of the University of Paisley (Scotland) Order of Council 1993(4);

“the University” means the University of Paisley being an institution designated under section 44 of the Act.

### **Closure of the College and winding-up of governing body**

3. The College shall be closed and its governing body wound up on 1st August 1993.

### **Transfer of property, rights, liabilities and obligations**

4.—(1) On 1st August 1993 there shall be transferred to and vest in the governing body of the University all property, rights, liabilities and obligations to which immediately before 1st August 1993 the governing body of the College was entitled or subject.

(2) The vesting of property, rights, liabilities and obligations under this Article shall have effect, notwithstanding—

- (a) anything to the contrary in, or
- (b) any condition relating to the transfer of such property, rights, liabilities or obligations contained in,

any enactment, rule of law or obligation.

(3) Reference to the College or to the governing body thereof—

- (a) in any agreement, deed, bond, instrument or notice;
- (b) in any action or proceeding pending or existing at 1st August 1993 by or against the governing body of the College before any court or other tribunal; and
- (c) in any other document whatsoever relating to or affecting any property, right, liability or obligation of the governing body of the College which vests by virtue of this Article in the governing body of the University,

shall be taken on or after 1st August 1993 as referring to the University or the governing body of the University as appropriate.

### **Supplementary provision: property provided with grant aid**

5. Regulations 8 and 9 of the Grant-aided Colleges (Scotland) Grant Regulations 1989(5) shall apply in relation to any land or buildings transferred by Article 4 of this Order, as if any grant paid to the governing body of the College had been paid to the governing body of the University.

### **Transfer of staff**

6.—(1) Where a person is employed immediately before 1st August 1993 by the governing body of the College his contract of employment shall have effect on and after 1st August 1993 as if originally made between him and the University.

(2) Without prejudice to paragraph (1) above—

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(3) The 1954 Scheme was framed and confirmed by the Secretary of State and approved by Order in Council on 19th October 1954 under section 123 of the Education (Scotland) Act 1946 (c. 72) and relevant amendments are S.I. 1973/1811, S.I. 1988/1715, S.I. 1992/1093 and S.I. 1993/558.

(4) S.I. 1993/558.

(5) S.I. 1989/433 amended by S.I. 1992/1025 and 1993/489.

- (a) all the rights, powers, duties and liabilities of the governing body of the College under or in connection with a contract to which that paragraph applies shall by virtue of this paragraph be transferred to the University on 1st August 1993; and
  - (b) anything done before that date by or in relation to the governing body of the College in respect of that contract or the employee shall be deemed on and after that date to have been done by or in relation to the University.
- (3) Paragraphs (1) and (2) above are without prejudice to any right of an employee to terminate his contract of employment if the terms and conditions of his employment are changed substantially to his detriment, but such change shall not be taken to have occurred by reason only of the fact that his employer is changed by virtue of this Article.
- (4) Where a person—
- (a) has prior to 1st August 1993 entered into a contract of employment with the governing body of the College which is to come into effect on or after that date; and
  - (b) would, if the contract had come into effect before that date, have been an employee to whom the provisions of this Article would have applied, he shall be treated for the purposes of this Article as if he were such an employee.

#### **Dissolution of governing body**

7. The governing body of the College shall be dissolved on 1st August 1993.

#### **Revocation**

8. The Colleges of Education (Scotland) Regulations 1987 are revoked insofar as they apply to the College.

St. Andrew's House,  
Edinburgh  
5th July 1993

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

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

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

On 1st August 1993 Craigie College of Education will cease to be a separate institution and become part of the University of Paisley. This Order gives effect to that arrangement.

The Order closes the College and provides for its governing body to be wound up (Article 3). It transfers the whole property, rights, liabilities and obligations of the governing body of the College to the governing body of the University (Article 4) and makes consequential provision regarding property provided with the aid of grant (Article 5). It provides for staff to transfer to employment by the University without a break in their employment (Article 6). It dissolves the governing body of the College (Article 7) and makes consequential revocation of Regulations relating to the College (Article 8).