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STATUTORY INSTRUMENTS

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**1993 No. 490 (S.55)**

**EDUCATION, SCOTLAND**

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

<i>Made</i>	- - - -	<i>4th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 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 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 Jordanhill College of Education (Closure) (Scotland) Order 1993 and shall come into force on 1st April 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 Jordanhill 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 Jordanhill College of Education, constituted as a body corporate by regulation 10 of the Colleges of Education (Scotland) Regulations 1987<sup>(2)</sup>;

(b) in relation to the University, means The Court of the University of Strathclyde;

“the University” means the University of Strathclyde<sup>(3)</sup>.

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(1) 1992 c. 37.

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

(3) Established by Royal Charter dated 21st August 1964.

### **Closure of the College**

3. The College shall be closed on 1st April 1993.

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

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

- (a) in any agreement, deed, bond, instrument or notice;
- (b) in any action or proceeding pending or existing at 1st April 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 University,

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

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

5. Where the governing body of the College has received non-recurrent grant under the Grant-aided Colleges (Scotland) Grant Regulations 1989(4) in respect of the acquisition of, or expenditure on, any land or buildings which are transferred by Article 4 above, or such land or buildings have been provided with the aid of non-recurrent grant under the Colleges of Education (Scotland) Regulations 1987 or any earlier regulations enabling the payment of non-recurrent grant in respect of grant-aided colleges, the provisions of the Grant-aided Colleges (Scotland) Grant Regulations 1989 shall (so far as applicable) continue to apply in respect of that land or those buildings as if the University were the governing body of a designated institution and the grant had been paid to the University.

### **Transfer of staff**

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

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

- (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 April 1993; and

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

(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 April 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 April 1993.

#### **Partial revocation**

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

#### **Amendments of Regulations relating to superannuation and compensation for premature retirement**

9. The provisions of the Regulations specified in the Schedule to this Order are amended as stated therein.

St Andrew's House,  
Edinburgh  
4th March 1993

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

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## SCHEDULE

Article 9

### **Amendments of Regulations relating to superannuation and compensation for premature retirement**

**1.** In the Local Government (Compensation for Premature Retirement) (Scotland) Regulations 1979(5), in Schedule 1—

(a) at the end of paragraph (j) for the full stop there shall be substituted a semi-colon; and

(b) after paragraph (j) the following paragraph shall be added:—

“(k) The University of Strathclyde, but they shall be an employing authority only in relation to a pensionable employee who immediately before 1st April 1993 was in pensionable employment at Jordanhill College of Education, was transferred to employment at the University of Strathclyde on 1st April 1993 and has not ceased to be employed there at any time since that date.”.

**2.** In the Teachers' (Compensation for Premature Retirement) (Scotland) Regulations 1980(6), in Schedule 4—

(a) at the end of paragraph (d) the word “and” shall be deleted;

(b) at the end of paragraph (e) for the full stop there shall be substituted a semi-colon; and

(c) after paragraph (e) the following paragraph shall be added:—

“(f) The University of Strathclyde.”.

**3.** In the Teachers' Superannuation (Scotland) Regulations 1992(7), in Schedule 2, after paragraph 5 there shall be inserted the following paragraph:—

“**5A.** Employment as a teacher in the Faculty of Education at the University of Strathclyde, where the teacher immediately before 1st April 1993 was in pensionable employment at Jordanhill College of Education, was transferred to employment at the University of Strathclyde on 1st April 1993 and has not ceased to be employed in the Faculty of Education there at any time since that date.”.

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### **EXPLANATORY NOTE**

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

On 1st April 1993 Jordanhill College of Education will cease to be a separate institution and become part of Strathclyde University. This Order gives effect to that decision.

The Order closes the College (Article 3). It transfers the whole property, rights, liabilities and obligations of the governing body of the College to the University of Strathclyde (Article 4) and makes consequential provision regarding property provided with the aid of grant (Article 5). It provides for staff of the College 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). It makes

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(5) S.I. 1979/785; the relevant amending instruments are S.I. 1982/917, 1992/1025, 1992/1597.

(6) S.I. 1980/1254; the relevant amending instruments are S.I. 1982/918, 1992/1025, 1992/1597.

(7) S.I. 1992/280; the relevant amending instruments are S.I. 1992/1025, 1992/1597.

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consequential revocations of regulations relating to the College (Article 8) and makes consequential amendments to Regulations governing superannuation and compensation for premature retirement to enable the present arrangements to continue to be available for transferred staff (Article 9).