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STATUTORY INSTRUMENTS

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**1993 No. 643 (S.89)**

**EDUCATION, SCOTLAND**

**The Glasgow Polytechnic and The Queen's  
College, Glasgow (Closure) (Scotland) Order 1993**

<i>Made</i>	- - - -	<i>1st 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 bodies of the institutions 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 Glasgow Polytechnic and The Queen's College, Glasgow (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 The Queen's College, Glasgow, being an institution designated under section 44 of the Act;

“governing body”—

- (a) in relation to the Polytechnic, means The Governors of Glasgow Polytechnic, continued as a body corporate by regulation 3 of the Glasgow College of Technology (No.2) Regulations 1985<sup>(2)</sup>;

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(1) 1992 c. 37.

(2) S.I.1985/1164, amended by S.I. 1988/1715, 1990/2387.

- (b) in relation to the College, means The Queen’s College, Glasgow, a company registered under the Companies Acts(3);
  - (c) in relation to the University, means the University Court of Glasgow Caledonian University, constituted by the Glasgow Caledonian University (Scotland) Order of Council 1993(4);
- “the Polytechnic” means Glasgow Polytechnic, being an institution designated under section 44 of the Act;
- “the University” means Glasgow Caledonian University, being an institution established under section 46 and designated under section 44 of the Act(5).

### **Closure of institutions**

- 3. The Polytechnic and 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 governing body of the University all property, rights, liabilities and obligations to which immediately before 1st April 1993 the governing body of the Polytechnic or 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 Polytechnic or the College or the governing bodies 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 Polytechnic or 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 Polytechnic or the College which vests by virtue of this Article in the governing body of 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. Regulations 8 and 9 of the Grant-aided Colleges (Scotland) Grant Regulations 1989(6) shall apply in relation to any land or buildings transferred by Article 4 as if any grant paid to the governing body of the Polytechnic or the College had been paid to the governing body of the University.

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(3) Established as the Glasgow and West of Scotland College of Domestic Science (Incorporated) by Memorandum and Articles of Association dated 14th May 1908; now incorporated under its present name as certified by the Registrar of Companies on 30th May 1975.

(4) S.I. 1993/556.

(5) The Order which established the University is the Glasgow Caledonian University (Establishment) Order 1993 (S.I. 1993/423) and the Order which designated the University under section 44 of the Act is the Designation of Institutions of Higher Education (Scotland) Amendment Order 1993 (S.I. 1993/424).

(6) S.I. 1989/433 amended by S.I. 1992/1025, 1993/489.

### **Transfer of staff**

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

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

- (a) all the rights, powers, duties and liabilities of the governing body of the Polytechnic or the College under or in connection with a contract to which that paragraph applies, shall by virtue of this paragraph be transferred to the governing body of the University on 1st April 1993; and
- (b) anything done before that date by or in relation to the governing body of the Polytechnic or the College in respect of that contract or the employee shall be deemed on or after that date to have been done by or in relation to the governing body of 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 Polytechnic or 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 bodies**

7. The governing bodies of the Polytechnic and the College shall be dissolved at 1st April 1993.

### **Revocations**

8. The Regulations and other instruments specified in Column 1 of the Schedule to this Order are hereby revoked to the extent specified in Column 2 of that Schedule.

St Andrew's House,  
Edinburgh  
1st March 1993

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

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## SCHEDULE

Regulation 8

## REVOCATIONS

Column 1 Instrument	Column 2 Extent of Revocation
<b>A. Regulations</b>	
The Glasgow College of Technology (No.2) Regulations 1985	The whole Regulations
The Central Institutions (Scotland) Regulations 1988(7)	The whole Regulations, so far as relating to Glasgow Polytechnic and The Queen's College, Glasgow In Schedule 2, paragraphs 4, 7 and 8
The Glasgow College of Technology and Robert Gordon's Institute of Technology (Change of Name) Regulations 1990(8)	The whole Regulations, so far as relating to Glasgow Polytechnic
<b>B. Other instruments</b>	
Memorandum of Association of the Glasgow and West of Scotland College of Domestic Science (Incorporated) dated 14th May 1908	The whole Memorandum
Articles of Association of the Glasgow and West of Scotland College of Domestic Science (Incorporated) dated 14th May 1908	The whole Articles

**EXPLANATORY NOTE**

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

This Order is one of several instruments giving effect to the merger of Glasgow Polytechnic and The Queen's College, Glasgow to form a new institution, Glasgow Caledonian University. The merger takes effect on 1st April 1993.

The Secretary of State has established Glasgow Caledonian University by the Glasgow Caledonian University (Establishment) (Scotland) Order 1993 and has designated it as an institution eligible to receive support from funds administered by the Scottish Higher Education Funding Council. The Privy Council has constituted the governing body of the University, the University Court of Glasgow Caledonian University, by the Glasgow Caledonian University (Scotland) Order of Council 1993.

This Order closes Glasgow Polytechnic and The Queen's College, Glasgow (Article 3). It transfers the whole property, rights, liabilities and obligations of the governing bodies of the closed institutions to the University Court of Glasgow Caledonian University (Article 4) and makes consequential

(7) S.I. 1988/1715, amended by S.I. 1990/2387.

(8) S.I. 1990/2387.

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provision regarding property provided with the aid of grant (Article 5). It provides for staff of the closed institutions to transfer to employment by the University Court without a break in their employment (Article 6). It dissolves the governing bodies of the closed institutions (Article 7). It makes consequential revocations of regulations and other instruments relating to the closed institutions (Article 8).