
STATUTORY INSTRUMENTS

1998 No. 1644 (S. 89)

EDUCATION, SCOTLAND

**The Moray House Institute of Education
(Closure) (Scotland) Order 1998**

<i>Made</i>	- - - -	<i>3rd July 1998</i>
<i>Laid before Parliament</i>		<i>8th July 1998</i>
<i>Coming into force</i>	- -	<i>1st August 1998</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(1), 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 Moray House Institute of Education (Closure) (Scotland) Order 1998 and shall come into force on 1st August 1998.

Interpretation

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

“governing body”—

- (a) in relation to the Institute, means The Governors of Moray House Institute of Education, constituted as a body corporate by regulation 10 of the Colleges of Education (Scotland) Regulations 1987(2);
 - (b) in relation to the University, means The University Court of the University of Edinburgh;
- “the Institute” means Moray House Institute of Education(3), being an institution designated under section 44 of the Further and Higher Education (Scotland) Act 1992;

(1) 1992 c. 37.

(2) S.I.1987/309, amended by S.I. 1989/433, 1992/1025, 1993/1701 and 1996/1971.

(3) The name of the Institute was changed from Moray House College of Education (Incorporating the Scottish Centre for Physical Education, Movement and Leisure Studies) to Moray House Institute of Education, and a corresponding change was made to the name of the governing body of the Institute, in accordance with section 49 of the Further and Higher Education (Scotland) Act 1992. The Privy Council consented to the change of name, for the purposes of section 49(1) of that Act, on 7th March 1995.

“the University” means the University of Edinburgh.

Closure of the Institute and winding up of the governing body

3. The Institute shall be closed and its governing body wound up on 1st August 1998.

Transfer of property, rights, liabilities and obligations

4.—(1) On 1st August 1998 there shall be transferred to and vested in the governing body of the University all property, rights, liabilities and obligations to which immediately before 1st August 1998 the governing body of the Institute 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 Institute 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 August 1998 by or against the governing body of the Institute 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 Institute which vests by virtue of this Article in the governing body of the University,

shall be taken on or after 1st August 1998 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 Institute 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 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 governing body of the University were the governing body of a designated institution and the grant had been paid to the governing body of the University.

Transfer of staff

6.—(1) Where a person is employed immediately before 1st August 1998 by the governing body of the Institute his contract of employment shall have effect on and after 1st August 1998 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 Institute 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 August 1998; and

(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 Institute 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 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 August 1998, entered into a contract of employment with the governing body of the Institute 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 Institute shall be dissolved on 1st August 1998.

Partial revocation

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

Amendments of Regulations relating to superannuation and compensation for premature retirement and redundancy

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

St Andrew's House Edinburgh
3rd July 1998

Brian Wilson
Minister 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.

SCHEDULE

Article 9

Amendments of Regulations relating to superannuation and compensation for premature retirement and redundancy

1. In the Teachers (Compensation for Premature Retirement and Redundancy) (Scotland) Regulations 1996⁽⁵⁾ in Schedule 1 there shall be inserted at the end the following paragraph:—

“9. The University Court of the University of Edinburgh”.

2. In the Teachers' Superannuation (Scotland) Regulations 1992⁽⁶⁾, in Schedule 2, after paragraph 5B there shall be inserted the following paragraph:—

“5C. Employment as a teacher in the Faculty of Education or the Faculty of Social Sciences at the University of Edinburgh, where the teacher immediately before 1st August 1998 was in pensionable employment at Moray House Institute of Education, was transferred to employment at the University of Edinburgh on 1st August 1998 and has not ceased to be employed in the Faculty of Education or the Faculty of Social Sciences there at any time since that date.”.

EXPLANATORY NOTE

(This note is not part of the Order)

On 1st August 1998 Moray House Institute of Education will cease to be a separate institution and become part of the University of Edinburgh. This Order gives effect to that arrangement.

The Order closes the Institute 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 Institute to the governing body of the University of Edinburgh (Article 4) and makes consequential provision regarding property provided with the aid of grant (Article 5). It provides for staff of the Institute to transfer to employment by the governing body of the University without a break in their employment (Article 6). It dissolves the governing body of the Institute (Article 7). It makes consequential revocations of regulations relating to the Institute (Article 8) and makes consequential amendments to Regulations governing superannuation and compensation for premature retirement and redundancy to enable the present arrangements to continue to be available for transferred staff (Article 9).

(5) S.I. 1996/2317 to which no relevant amendments have been made.

(6) S.I. 1992/280; the relevant amending instruments are S.I. 1992/1025, 1992/1597, 1993/490 and 1994/1715.