

## **Executive Note**

### **The Robert Gordon University (Transfer and Closure) (Scotland) Order 2006 SSI/2006/461**

The above instrument was made in exercise of the powers conferred by sections 47(1), (1A), (2), (4) and (6) of the Further and Higher Education (Scotland) Act 1992 (“the 1992 Act”). The instrument is subject to negative resolution procedure.

#### **Policy Objectives**

Section 47 of the 1992 Act makes provision for the closure of designated higher education institutions. The Robert Gordon University (“the University”) is a designated institution under section 44 of the 1992 Act.

The Robert Gordon University wishes to modernise its governance and change its body corporate from the ‘Governors of The Robert Gordon University’ to ‘The Robert Gordon University’. This change necessitates, in terms of the 1992 Act, the closing of the University as it is currently constituted, and the establishment of a new institution of higher education to enable the transfer of assets and employees.

The Robert Gordon University (Establishment) (Scotland) Order 2006 established a new institution of higher education, called The Robert Gordon University, which is incorporated as a corporate body by that Order. This Order closes the University and winds up and dissolves its governing body, and then transfers its assets and employees (without a break in their employment) to the new institution. In accordance with sections 47 1A (a) and 47 (8) of the 1992 Act the newly established university is registered as a charity, and the University consented to the transfer of assets and employees on 29 June 2006.

This Order also revokes the Central Institutions (Scotland) Amendment Regulations 1981 which related to governance arrangements for the then Robert Gordon’s Institute of Technology as a central institution. These are not relevant to the new University whose governance arrangements are set out in the Robert Gordon University (Scotland) Order of Council 2006. This makes new provision regarding the constitution, functions and powers of The Robert Gordon University and the arrangements to be adopted in discharging its functions. It provides for a modern constitution in a clearer format and will replace the provisions in the existing Robert Gordon University (Scotland) Order of Council 1993.

#### **Consultation**

In accordance with section 47(5) of the Further and Higher (Scotland) Act 1992 the Funding Council and the governing body of the University have been consulted in advance of this instrument being made.

#### **Financial Effects**

A Regulatory Impact Assessment has not been prepared as this instrument has no financial effects on the Scottish Executive, local government or on business.

Scottish Executive Enterprise, Transport and Lifelong Learning Department  
September 2006