
STATUTORY INSTRUMENTS

1999 No. 442 (S. 26)

EDUCATION, SCOTLAND

**The St. Andrew's College of Education
(Closure) (Scotland) Order 1999**

<i>Made</i>	- - - -	<i>23rd February 1999</i>
<i>Laid before Parliament</i>		<i>26th February 1999</i>
<i>Coming into force</i>	- -	<i>1st April 1999</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 St. Andrew's College of Education (Closure) (Scotland) Order 1999 and shall come into force on 1st April 1999.

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 College means The Governors of St. Andrew's College 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 Glasgow; “the College” means St. Andrew's College of Education, being an institution designated under section 44 of the Further and Higher Education (Scotland) Act 1992;

“the University” means the University of Glasgow.

(1) 1992 c. 37.

(2) S.I.1987/309, amended by S.I. 1989/433, 1992/1025, 1993/1701, 1996/1971 and 1998/1644.

Closure of the College and winding up of the governing body

3. The College shall be closed and its governing body wound up on 1st April 1999.

Transfer of property, rights, liabilities and obligations

4.—(1) On 1st April 1999 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 April 1999 the governing body of the College was entitled or subject.

(2) 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 1999 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 April 1999 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(3) 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 April 1999 by the governing body of the College his contract of employment shall have effect on and after 1st April 1999 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 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 1999; 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 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—

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

- (a) has, prior to 1st April 1999, 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 1999.

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 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
23rd February 1999

Helen Liddell
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(4) in Schedule 1 there shall be inserted at the end the following paragraph:–

“11. The University Court of the University of Glasgow”.

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

“5E. Employment as a teacher in the Faculty of Education at the University of Glasgow, where the teacher immediately before 1st April 1999 was in pensionable employment at St. Andrew’s College of Education, was transferred to employment at the University of Glasgow on 1st April 1999 and has not ceased to be employed in the Faculty of Education there at any time since that date.”.

EXPLANATORY NOTE

(This note is not part of the Order)

On 1st April 1999 St. Andrew’s College of Education will cease to be a separate institution and become part of the University of Glasgow. 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 of Glasgow (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 governing body of the University without a break in their employment (Article 6). It dissolves the governing body of the College (Article 7). It makes consequential revocations of Regulations relating to the College (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).

(4) S.I. 1996/2317; the relevant amending instruments are S.I. 1998/1644 and 2208.

(5) S.I. 1992/280; the relevant amending instruments are S.I. 1992/1025, 1992/1597, 1993/490, 1994/1715, 1998/1644 and 1998/2208.