
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 407

EDUCATION

**The Northern College of Education
(Closure) (Scotland) Order 2001**

Made - - - - *6th November 2001*
Laid before the Scottish
Parliament - - - - *7th November 2001*
Coming into force - - *1st December 2001*

The Scottish Ministers, in exercise of the powers conferred by section 47(1), (2), (4) and (6) of the Further and Higher Education (Scotland) Act 1992⁽¹⁾ and of all other powers enabling them 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 make the following Order:

Citation and commencement

1. This Order may be cited as the Northern College of Education (Closure) (Scotland) Order 2001 and shall come into force on 1st December 2001.

Interpretation

2. In this Order—

“Aberdeen Campus” means the Northern College of Education at Hilton Place, Aberdeen AB24 4FA;

“Aberdeen University” means the University of Aberdeen;

“the College” means the Northern College of Education, being an institution designated under section 44 of the Further and Higher Education (Scotland) Act 1992;

“Dundee Campus” means the Northern College of Education at Gardyne Road, Dundee DD5 1NY, Mayfield Residence, 169 Arbroath Road, Dundee DD4 6LD and Mayfield Pavilion and House, 193 Arbroath Road, Dundee DD4 7HS;

“Dundee University” means the University of Dundee; and

“governing body”—

(1) 1992 c. 37. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

- (a) in relation to Aberdeen University, means the University Court of the University of Aberdeen;
- (b) in relation to the College means the Governors of the Northern College of Education constituted as a body corporate by regulation 10 of the Colleges of Education (Scotland) Regulations 1987(2); and
- (c) in relation to Dundee University, means the University Court of the University of Dundee.

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 December 2001.

Transfer of property, rights, liabilities and obligations

4.—(1) On 1st December 2001 there shall be transferred to and vested in the governing body of Aberdeen University the following property, rights, liabilities and obligations to which immediately before 1st December 2001 the governing body of the College was entitled or subject:—

- (a) the land and buildings at Hilton Place, Aberdeen AB24 4FA;
- (b) all staff who perform the whole or substantial part of their duties from the Aberdeen Campus prior to the vesting date; and
- (c) all corporeal property situated on the Aberdeen Campus immediately prior to the vesting date.

(2) On 1st December 2001 there shall be transferred to and vested in the governing body of Dundee University the following property, rights, liabilities and obligations to which immediately before 1st December 2001 the governing body of the College was entitled or subject:—

- (a) the land and buildings at Gardyne Road, Dundee DD5 1NY, Mayfield Residence, 169 Arbroath Road, Dundee DD4 6LD and Mayfield Pavilion and House, 193 Arbroath Road, Dundee DD4 7HS;
- (b) all staff who perform the whole or substantial part of their duties from the Dundee Campus prior to the vesting date; and
- (c) all corporeal property situated on the Dundee Campus immediately prior to the vesting date.

(3) On 1st December 2001 there shall be transferred to and vested in the governing bodies of Aberdeen University and Dundee University jointly and severally all property, rights, liabilities obligations and contracts to which immediately before 1st December 2001 the governing body of the College was entitled or subject and which have not transferred under paragraph (1) or (2) above.

(4) 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 December 2001 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 Aberdeen University or the governing body of Dundee University,

shall be taken on or after 1st December 2001 as referring to the governing body of Aberdeen University if transferred in accordance with paragraph (1) or the governing body of Dundee University if transferred in accordance with paragraph (2) or the governing bodies of Aberdeen

(2) S.I. 1987/309, amended by S.I. 1989/433, 1992/1025, 1993/1701, 1996/1971, 1998/1644 and 1999/442.

University and Dundee University jointly and severally if transferred in accordance with paragraph (3).

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 Aberdeen University (if transferred in accordance with Article 4(1)), the governing body of Dundee University (if transferred in accordance with Article 4(2)) or the governing bodies of Aberdeen University and Dundee University jointly and severally (if transferred in accordance with Article 4(3)) were the governing body of a designated institution and the grant had been paid to the governing body of Aberdeen University, the governing body of Dundee University or the governing bodies of Aberdeen University and Dundee University jointly and severally.

Transfer of staff

6.—(1) Where a person is employed immediately before 1st December 2001 by the governing body of the College that person's contract of employment shall have effect on and after 1st December 2001 as if originally made between that person and the governing body of Aberdeen University (if transferred in accordance with Article 4(1)) or the governing body of Dundee University (if transferred in accordance with Article 4(2)).

(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 Aberdeen University in accordance with Article 4(1) or the governing body of Dundee University in accordance with Article 4(2) on 1st December 2001; 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 Aberdeen University (if transferred in accordance with Article 4(1)) or the governing body of Dundee University (if transferred in accordance with Article 4(2)).

(3) Paragraphs (1) and (2) above are without prejudice to any right of an employee to terminate that employee's contract of employment if the terms and conditions of that employment are changed substantially to the employee's detriment, but such change shall not be taken to have occurred by reason only of the fact that the employer is changed by virtue of this Article.

(4) Where a person—

- (a) has, prior to 1st December 2001, 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,

that person shall be treated for the purposes of this Article as such an employee.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Dissolution of governing body

7. The governing body of the College shall be dissolved on 1st December 2001.

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
6th November 2001

WENDY ALEXANDER
A member of the Scottish Executive

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, after paragraph 11 there shall be inserted—

“12. The University Court of the University of Aberdeen.”.

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

“5F. Employment as a teacher in the Faculty of Education at either the University of Aberdeen or the University of Dundee, where the teacher immediately before 1st December 2001 was in pensionable employment at Northern College of Education, was transferred to employment at the University of Aberdeen or the University of Dundee on 1st December 2001 and has not ceased to be employed in the Faculty of Education at either the University of Aberdeen or the University of Dundee at any time since that date.”.

EXPLANATORY NOTE

(This note is not part of the Order)

On 1st December 2001 the Northern College of Education (“the College”) will cease to be a separate institution. The College’s Aberdeen Campus will become part of the University of Aberdeen; and its Dundee Campus will become part of the University of Dundee.

Article 3 of the Order closes the College and provides for its governing body to be wound up.

Article 4 transfers the whole property, rights, liabilities, obligations and contracts of the governing body of the College to the governing bodies of the Universities of Aberdeen and Dundee.

Article 5 makes consequential provision regarding property provided with the aid of grant.

Article 6 provides for the transfer of staff of the College to the governing body of the University of Aberdeen or University of Dundee without a break in their employment.

Article 7 dissolves the governing body of the College.

Article 8 makes consequential revocations of Regulations relating to the College.

Article 9 and the Schedule make consequential amendments to the Teachers (Compensation for Premature Retirement and Redundancy) (Scotland) Regulations 1996 (S.I.1996/2317) and the Teachers Superannuation (Scotland) Regulations 1992 (S.I. 1992/280) to enable the present arrangements to continue to be available for transferred staff.

(4) S.I. 1996/2317; relevant amending instruments are S.I. 1998/1644 and 2208 and 1999/442.

(5) S.I. 1992/280; relevant amending instruments are S.I. 1992/1597, 1993/490 and 2513, 1998/1644 and 2208 and 1999/442.