

2012 No. 237

EDUCATION

The Elmwood College, Oatridge College and The Barony College (Transfer and Closure) (Scotland) Order 2012

<i>Made</i>	- - - -	<i>28th August 2012</i>
<i>Laid before the Scottish Parliament</i>		<i>30th August 2012</i>
<i>Coming into force</i>	- -	<i>1st October 2012</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 3(1)(c), 25(1), (1A), (2) and (5) and 60(3) of the Further and Higher Education (Scotland) Act 1992(a) and of all other powers enabling them to do so.

In accordance with section 5(1) of that Act, they have consulted the education authority for the area in which each of Elmwood College, Oatridge College and The Barony College is situated and any other person appearing to them to be affected by the proposal.

In accordance with section 25(7) of that Act, The Scottish Agricultural College has consented to the transfer and vesting of property, rights, liabilities and obligations provided for in this Order.

Citation and commencement

1. This Order may be cited as the Elmwood College, Oatridge College and The Barony College (Transfer and Closure) (Scotland) Order 2012 and comes into force on 1st October 2012.

Interpretation

2. In this Order—

“the 1992 Act” means the Further and Higher Education (Scotland) Act 1992;

“Barony” means the institution named The Barony College being a college of further education prescribed under section 11(1) of the 1992 Act(b);

“the Barony Board” means the Board of Management of The Barony College established as a body corporate by section 11(2) of the 1992 Act;

“Elmwood” means the institution named Elmwood College being a college of further education prescribed under section 11(1) of the 1992 Act(c);

(a) 1992 c.37. Section 3(1) was amended by the Further and Higher Education (Scotland) Act 2005 (asp 6) (“the 2005 Act”), section 32 and schedule 3, paragraph 6(1)(a). Section 25 was amended by section 29(1) of the 2005 Act and by S.S.I. 2006/216. 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).

(b) The Barony College is prescribed by S.I. 1992/1597.

(c) Elmwood College is prescribed by S.I. 1992/1597.

“the Elmwood Board” means the Board of Management of Elmwood College established as a

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

(4) Paragraphs (1) and (2) apply to a person who has entered into a contract of employment with one of the Barony Board, the Elmwood Board or the Oatridge Board which is to come into effect after the coming into force of this article, and who would, if the contract had come into effect before that date, have been an employee to whom those paragraphs would have applied.

Closure and winding up

6. Barony, Elmwood and Oatridge are closed and each of the Barony Board, the Elmwood

EXPLANATORY NOTE

(This note is not part of the Order)

On 1st October 2012 The Barony College, Elmwood College and Oatridge College will cease to exist.

The Order transfers the whole property, rights, liabilities and obligations of the Boards of Management of each of The Barony College, Elmwood College and Oatridge College to The Scottish Agricultural College (Article 3). It makes consequential provisions regarding property provided with the aid of a grant (Article 4). It provides for staff of The Barony College, Elmwood College and Oatridge College to transfer to employment with The Scottish Agricultural College without a break in their employment (Article 5). It provides for The Barony College, Elmwood College and Oatridge College to be closed and their Boards of Management wound up and dissolved (Article 6).

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