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.