EXECUTIVE NOTE

THE EDINBURGH COLLEGE OF ART (TRANSFER) (SCOTLAND) ORDER 2011

SSI 2011/54

The above instrument was made in exercise of the powers conferred by sections 47(1), (1A), (2), (4) and (6) and 60 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. Edinburgh College of Art is an institution designated under section 44 of the 1992 Act.

The governing bodies of Edinburgh College of Art ("the original College") and the University of Edinburgh ("the University") wish to merge the two institutions thus forming an enlarged University of Edinburgh with a part of which is to be known as the Edinburgh College of Art ("the reconstituted College"). The reconstituted College will be formed on 1 August 2011. On that date the whole property, rights, liabilities and obligations of the governing body of the original College will be transferred to and vested in the University Court of the University. Provision is also made regarding property provided with the aid of a grant, property over which the City of Edinburgh Council has a right of pre-emption and the original College's endowments. The employees of the governing body of the original College also transfer to the University Court of the University of Edinburgh on 1 August 2011 and their present superannuation arrangements will continue to be available to them. The original College will close and its governing body will be wound up and dissolved on 2 August 2011.

This Order also revokes The Edinburgh College of Art (Scotland) Order of Council 1995 (S.I. 471/1995), The Edinburgh College of Art (Scotland) Order of Council 1995 (Amendment) Order of Council 2005 (S.S.I. 313/2005), The Edinburgh College of Art Order 1959 (to the extent it is not already revoked), The Edinburgh College of Art (Amendment) Order 1965 (S.I. 1965/1251) and removes the entry for "Edinburgh College of Art" in Article 2(1) of The Designation of Institutions of Higher Education (Scotland) Order 1992 (SI 1992/1025).

Consultation

To comply with the requirements of section 47(5) of the Further and Higher (Scotland) Act 1992 the Scottish Further and Higher Education Funding Council and the governing body of the original College have been consulted in advance of this instrument being made.

Consent

In accordance with section 47(8) of the Further and Higher Education (Scotland) Act 1992, the University Court of the University of Edinburgh has consented to the transfer to it of the property, rights, liabilities and obligations of the governing body of the original College.

Impact Assessments

The governing bodies of Edinburgh College of Art and the University of Edinburgh commissioned an equality and diversity review in September 2010. The institutions are committed to undertaking more detailed Equality Impact Assessments as part of the implementation process of the merger.

Financial Effects

The Cabinet Secretary for Education and Lifelong Learning confirms that no Business and Regulatory Impact Assessment (BRIA) is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Employability, Skills and Lifelong Learning Directorate
February 2011