POLICY NOTE

THE ELMWOOD COLLEGE, OATRIDGE COLLEGE AND THE BARONY COLLEGE (TRANSFER AND CLOSURE) (SCOTLAND) ORDER 2012

SSI 2012/237

The above instrument was made 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 ("the 1992 Act"). The instrument is subject to negative resolution procedure.

Policy objectives

The policy is that the four institutions listed below should be unified within a single institution:

- The Scottish Agricultural College
- Elmwood College
- Oatridge College; and
- The Barony College

This will take effect on 1 October 2012. On that date, the whole property, rights, liabilities and obligations of each of the governing bodies of Elmwood College, Oatridge College and The Barony College will be transferred to and vested in the Scottish Agricultural College. The employees of each of the governing bodies of these three transferring Colleges will also transfer to the Scottish Agricultural College on 1 October 2012. Elmwood College, Oatridge College and The Barony College will close and their governing bodies will be wound up and dissolved on 1 October 2012.

Consultation

In order to comply with the requirements of section 5(1) of the Further and Higher (Scotland) Act 1992, Scottish Ministers have consulted the education authority in the areas where each of Elmwood College, Oatridge College and The Barony College are situated. In compliance with the requirement to consult any other person affected by the closures, Scottish Ministers have also consulted the Scottish Further and Higher Education Funding Council and each of the governing bodies of Elmwood College, Oatridge College and The Barony College in advance of this instrument being made.

Consent

In accordance with section 25(7) of the Further and Higher Education (Scotland) Act 1992, the Scottish Agricultural College has consented to the transfer to it of the property, rights, liabilities and obligations of each of the governing bodies of Elmwood College, Oatridge College and The Barony College.

Equality Impact Assessment

An Equality Impact Assessment has been undertaken. Before making this instrument Ministers had due regard to the needs set out in section 149(1) of the Equality Act 2010.

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 or regulatory impact on the Scottish Government, local government or on business.

Scottish Government
Employability, Skills and Lifelong Learning Directorate
August 2012