
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 181

EDUCATION

The James Watt College (Transfer and Closure) (Scotland) Order 2013

<i>Made</i>	- - - -	<i>29th May 2013</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>31st May 2013</i>
<i>Coming into force</i>	- -	<i>1st August 2013</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⁽¹⁾ and of all other powers enabling them to do so.

In accordance with section 5(1) of that Act, they have consulted the education authorities for the areas in which James Watt 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 Board of Management of Ayr College and the Board of Management of Clydebank College have 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 James Watt College (Transfer and Closure) (Scotland) Order 2013 and comes into force on 1st August 2013.

Interpretation

2. In this Order—

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

“the Ayr Board” means the Board of Management of Ayr College⁽²⁾ established as a body corporate by section 11(2) of the 1992 Act, which is a charity entered in the Scottish Charity Register, charity number SC021177;

(1) [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 \(c.46\)](#).

(2) Ayr College is a college of further education prescribed under section 11(1) of the Further and Higher Education (Scotland) Act 1992 (“the 1992 Act”) by [S.I. 1992/1597](#).

“the Clydebank Board” means the Board of Management of Clydebank College⁽³⁾ established as a body corporate by section 11(2) of the 1992 Act, which is a charity entered in the Scottish Charity Register, charity number SC021185;

“enactment” has the meaning given in schedule 1 to the Interpretation and Legislative Reform (Scotland) Act 2010⁽⁴⁾;

“Finnart Campus” means the James Watt College at Finnart Street, Greenock, PA16 8HF;

“James Watt” means the institution named James Watt College being a college of further education prescribed under section 11(1) of the 1992 Act⁽⁵⁾;

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

“Largs Campus” means the James Watt College at Sport Scotland, Burnside Road, Largs, KA30 8RW;

“Nethermains Campus” means the James Watt College at Units 6, 8 and 10 Kelvin Avenue, Nethermains Industrial Estate, Kilwinning, KA13 6PS;

“North Ayrshire Campus” means the James Watt College at Laughlan Way, Kilwinning, KA13 6DE;

“the vesting date” means 1st August 2013; and

“Waterfront Campus” means the James Watt College at Customhouse Way, Greenock, PA15 1EN.

Transfer of property, rights, liabilities and obligations

3.—(1) There is transferred to and vested in the Ayr Board all property, rights, liabilities and obligations of the James Watt Board in relation to Largs Campus, Nethermains Campus and North Ayrshire Campus.

(2) There is transferred to and vested in the Clydebank Board all property, rights, liabilities and obligations of the James Watt Board in relation to Finnart Campus and Waterfront Campus.

(3) There is transferred to and vested in the Ayr Board and the Clydebank Board jointly and severally all property, rights, liabilities and obligations, which have not transferred under paragraph (1) or (2) above.

(4) Any references to James Watt or the James Watt Board in any instrument are to be taken on or after the vesting date as referring to the Ayr Board if transferred in accordance with paragraph (1), or the Clydebank Board if transferred in accordance with paragraph (2), or the Ayr Board and the Clydebank Board jointly and severally if transferred in accordance with paragraph (3).

(5) Any action or proceeding by or against the James Watt Board pending or current, immediately before this Order comes into force, may be continued by or against the Ayr Board, or the Clydebank Board, or the Ayr Board and the Clydebank Board jointly and severally.

(6) For the purposes of this article, “instrument” does not include enactment.

(7) This article applies subject to the provisions of article 5.

Property provided with grand aid

4. Where the Grant-aided Colleges (Scotland) Grant Regulations 1989⁽⁶⁾ applied to the James Watt Board in respect of any land or buildings immediately before they were transferred by this

(3) Clydebank College is a college of further education prescribed under section 11(1) of the 1992 Act by [S.I. 1992/1597](#).

(4) [2010 asp 10](#).

(5) James Watt College is prescribed by [S.I. 1992/1597](#).

(6) [S.I. 1989/433](#), amended by [S.I. 1993/489](#).