



# Further and Higher Education (Scotland) Act 2005

2005 asp 6

## PART 1

### FURTHER AND HIGHER EDUCATION ETC.

#### *The Council: exercise of functions*

#### **23 General powers**

- (1) The Council may (subject to subsections (2) to (9)) do anything that is necessary or expedient for the purpose of or in connection with the exercise of its functions, including in particular—
  - (a) acquiring and disposing of land and other property;
  - (b) entering into contracts;
  - (c) investing sums not immediately required for the purpose of the discharge of its functions; and
  - (d) accepting gifts of money, land or other property.
- (2) The Council may not borrow money.
- (3) The Council is not to—
  - (a) give any guarantee or indemnity over or in respect of any property; or
  - (b) create any trust or security over or in respect of any property, without the written consent of the Scottish Ministers.
- (4) The Council is not to dispose of any property to which this subsection applies without the written consent of the Scottish Ministers.
- (5) Consent, for the purposes of subsection (3) or (4), may be given—
  - (a) in respect of any case or class of case; and
  - (b) subject to such conditions as the Scottish Ministers may determine.

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*Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Section 23. (See end of Document for details)*

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- (6) Consent, for the purposes of subsection (4), is not required for a disposal of land which is or forms part of property to which that subsection applies if the disposal is in consequence of the compulsory acquisition (under any enactment) of the land.
- (7) But the Council is to inform the Scottish Ministers of the compulsory acquisition (under any enactment) of land which is or forms part of property to which subsection (4) applies.
- (8) Where property to which subsection (4) applies is disposed of, the Council is (after deduction of such expenses as appear to the Scottish Ministers to have been reasonably incurred in the disposal) to pay to the Scottish Ministers such portion of the proceeds or value of the consideration for the disposal as the Scottish Ministers may, after consultation with the Council, determine.
- (9) Subsection (4) applies to any property of the Council which has been acquired, improved or maintained wholly or partly, or directly or indirectly, out of—
- (a) funds provided by the Scottish Ministers under section 9 or 10; or
  - (b) the proceeds of, or any consideration for, the disposal of any property so acquired, improved or maintained.

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**Commencement Information**

**II** S. 23 in force at 3.10.2005 by [S.S.I. 2005/419](#), [art. 2\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Section 23.