



# Further and Higher Education (Scotland) Act 2005

2005 asp 6

## PART 1

### FURTHER AND HIGHER EDUCATION ETC.

#### *Fundable bodies: miscellaneous*

#### **29 Educational use of certain property**

(1) In section 25 (closure of colleges and dissolution of boards of management) of the 1992 Act—

(a) after subsection (1) there is inserted—

“(1A) An order made for the purpose mentioned in subsection (1)(a) above—

- (a) shall include provision for the property and rights of the board of management to transfer to and vest in a charity; and
- (b) may include provision for the liabilities and obligations of the board of management to transfer to and vest in the Scottish Ministers or such other body or person as may be specified in the order.

(1B) An order made for the purpose mentioned in subsection (1)(b) above may include provision—

- (a) for the property and rights of the board of management to transfer to and vest in a charity; and
- (b) for the liabilities and obligations of the board of management to transfer to and vest in the Scottish Ministers or such other body or person as may be specified in the order.”;

(b) in subsection (2), paragraph (a) is repealed;

(c) in subsection (7), for the words from “under” to “sub-paragraph” in the second place where it occurs there is substituted “ as mentioned in subsection (1A) or (1B) above shall not contain provision for transferring and vesting property,

*Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Section 29. (See end of Document for details)*

rights, liabilities or obligations unless the body or person to whom the transfer is being made (apart from the Scottish Ministers)”; and

(d) after subsection (7) there is added—

“(8) All property and rights vested in a charity by virtue of an order as mentioned in subsection (1A) or (1B) above shall be applied for the purpose of the advancement of education.

(9) In this section, a “charity” means a body entered in the Scottish Charity Register.”.

(2) In section 47 (closure of institutions) of that Act—

(a) after subsection (1) there is inserted—

“(1A) An order under subsection (1) above—

(a) shall include provision for the property and rights of the institution to transfer to and vest in a charity; and

(b) may include provision for the liabilities and obligations of the institution to transfer to and vest in the Scottish Ministers or such other body or person as may be specified in the order.”;

(b) in subsection (2), paragraph (a) is repealed; and

(c) after subsection (7) there is added—

“(8) An order as mentioned in subsection (1A) above shall not contain provision for transferring and vesting property, rights, liabilities or obligations unless the body or person to whom the transfer is being made (apart from the Scottish Ministers) has consented to the transfer and vesting.

(9) All property and rights vested in a charity by virtue of an order as mentioned in subsection (1A) above shall be applied for the purpose of the advancement of education.

(10) In this section, a “charity” means a body entered in the Scottish Charity Register.”.

#### Commencement Information

**II** S. 29 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 29.