

Draft Order laid before the Scottish Parliament under section 103(5) of the Charities and Trustee Investment (Scotland) Act 2005, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2006 No.

CHARITIES

**The Protection of Charities Assets
(Exemption) (Scotland) Order 2006**

Made - - - - 2006
Coming into force - - 24th April 2006

The Scottish Ministers, in exercise of the powers conferred by sections 19(8) and (9) of the Charities and Trustee Investment (Scotland) Act 2005(1) and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has, in accordance with section 103(5) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation and commencement

1. This Order may be cited as the Protection of Charities Assets (Exemption) (Scotland) Order 2006 and shall come into force on the 24th April 2006.

Protection of Assets

2. Subsections (1) to (7) of section 19 of the Charities and Trustee Investment (Scotland) Act 2005 are disapplied in relation to the property owned by—

- (a) the bodies specified in Part 1 (Non-departmental Public Bodies) and Part 2 (Further Education Colleges) of the Schedule to this Order; and
- (b) the Higher Education Institutions specified in the first column in Part 3 of the Schedule to this Order and the corresponding governing bodies specified in the second column in Part 3 of that Schedule.

St Andrew's House,
Edinburgh
2006

A member of the Scottish Executive

SCHEDULE

Article 2

SPECIFIED BODIES

Part 1 –

Non-departmental Public Bodies

The Board of Trustees of the National Galleries of Scotland
The Board of Trustees of the National Museums of Scotland
The Board of Trustees of the Royal Botanic Garden Edinburgh
The General Teaching Council for Scotland
Learning and Teaching Scotland
Royal Commission on the Ancient and Historical Monuments of Scotland
National Theatre of Scotland
Scottish Arts Council
Scottish Natural Heritage
Scottish Qualifications Authority
Scottish Screen
Scottish Sports Council
The Trustees of the National Library of Scotland

Part 2 –

Further Education Colleges

The Board of Management of Aberdeen College of Further Education
The Board of Management of Adam Smith College, Fife
The Board of Management of Angus College of Further Education
The Board of Management of Anniesland College
The Board of Management of Ayr College
The Board of Management of Banff and Buchan College of Further Education
The Board of Management of the Barony College
The Board of Management of Borders College
The Board of Management of Cardonald College
The Board of Management of Central College of Commerce
The Board of Management of Clydebank College
The Board of Management of Coatbridge College
The Board of Management of Cumbernauld College
The Board of Management of Dumfries and Galloway College
The Board of Management of Dundee College
The Board of Management of Edinburgh's Telford College
The Board of Management of Elmwood College

The Board of Management of Forth Valley College of Further and Higher Education
 The Board of Management of Glasgow College of Nautical Science
 The Board of Management of Glasgow Metropolitan College
 The Board of Management of Inverness College
 The Board of Management of James Watt College of Further and Higher Education
 The Board of Management of Jewel and Esk Valley College
 The Board of Management of John Wheatley College
 The Board of Management of Kilmarnock College
 The Board of Management of Langside College
 The Board of Management of Lauder College
 The Board of Management of Lews Castle College
 The Board of Management of Moray College
 The Board of Management of Motherwell College
 The Board of Management of Newbattle Abbey College
 The Board of Management of North Glasgow College
 The Board of Management of the North Highland College
 The Board of Management of Oatridge Agricultural College
 The Board of Management of Orkney College
 The Board of Management of Perth College
 The Board of Management of Reid Kerr College
 The Board of Management of Sabhal Mòr Ostaig
 The Board of Management of Shetland College
 The Board of Management of South Lanarkshire College
 The Board of Management of Stevenson College Edinburgh
 The Board of Management of Stow College
 The Board of Management of West Lothian College

Part 3 –

Higher Education Institutions

<i>Higher Education Institution</i>	<i>Governing Body</i>
Bell College of Technology	Board of Governors
Edinburgh College of Art	Board of Governors
Glasgow Caledonian University	University Court
Glasgow School of Art	The Governors
Heriot-Watt University	University Court
Napier University	University Court
The Open University (so far as carrying on activities in or as regards Scotland)	The Council

<i>Higher Education Institution</i>	<i>Governing Body</i>
Queen Margaret University College	Governing Body
The Robert Gordon University	The Governors
Royal Scottish Academy of Music and Drama	Board of Governors
UHI Millennium Institute	Board of Governors
University of Aberdeen	University Court
University of Abertay, Dundee	University Court
University of Dundee	University Court
University of Edinburgh	University Court
University of Glasgow	University Court
University of Paisley	University Court
University of St. Andrews	University Court
University of Stirling	University Court
University of Strathclyde	University Court

EXPLANATORY NOTE

(This note is not part of the Order)

By this Order, Scottish Ministers have disapplied section 19(1) to (7) of the Charities and Trustee Investment (Scotland) Act 2005 (“the 2005 Act”) in relation to the property and income owned by the bodies listed in the Schedule to the Order.

Section 19(1) of the 2005 Act provides that when a body is removed from the Scottish Charity Register (established by section 3 of the 2005 Act), it remains under a duty to apply property and income held by it before it was removed, in accordance with its purposes as set out on the register. Section 19(2) to (7) of the 2005 Act protects such assets and ensures that the Scottish Charity Regulator (established by section 1 of the 2005 Act), can continue to oversee the use of the property and income even though the body holding that property and income is no longer a charity, by ensuring that several provisions of the 2005 Act continue to apply to the body in so far as they relate to property and income.