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## SCHEDULE

### SCOTTISH AGRICULTURAL COLLEGE

Provisional Order to transfer the assets of The East of Scotland College of Agriculture, The North of Scotland College of Agriculture and The West of Scotland College to The Scottish Agricultural College; and for other purposes incidental thereto.

WHEREAS—

- (1) In 1989 a Report entitled A Collegiate System for Agriculture in Scotland under the chairmanship of Sir Alwyn Williams (hereinafter referred to as “the Williams Report”) recommended that all the assets, functions and responsibilities of The East of Scotland College of Agriculture, The North of Scotland College of Agriculture and The West of Scotland College (hereinafter together referred to as “the regional colleges”) should be merged:
- (2) The Scottish Agricultural College (hereinafter referred to as “the College”) was formed in 1987 as a private company limited by guarantee under the Companies Act 1985 and was originally known as Scottish Agricultural Colleges:
- (3) In 1990 following the Williams Report the College increased its range of activities to include all activities previously undertaken by the regional colleges:
- (4) In the events that have happened the regional colleges are now private companies limited by guarantee each having the College as its sole member:
- (5) It is consistent with the recommendation of the Williams Report that the assets and liabilities of the regional colleges be transferred to the College:
- (6) The purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now, therefore, in pursuance of the powers contained in the last mentioned Act, the Secretary of State orders as follows:—

#### *Short title*

- 1 This Order may be cited as the Scottish Agricultural College Order 1997.

#### *Interpretation*

- 2 In this Order, unless the subject or context otherwise requires—
  - “the appointed day” means such day as may be designated by the College under section 3 below;
  - “the College” means The Scottish Agricultural College;
  - “regional colleges” means The East of Scotland College of Agriculture, The North of Scotland College of Agriculture and The West of Scotland College or any of them as the case may be.

#### *Appointed day*

- 3 (1) The College may designate a day to be the appointed day for the purposes of this Order.

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- (2) Not less than 28 days before any such day as may be designated under subsection (1) above, the College shall—
- (a) give notice to the regional colleges of the day so designated; and
  - (b) publish in the Edinburgh Gazette a notice stating the day so designated.

*Transfer of property, etc*

- 4 All property, estate and effects, heritable and moveable, real and personal, corporeal and incorporeal, of every description and all rights, interests, powers and privileges of the regional colleges which immediately before the appointed day belonged to or were vested in or exercisable by the regional colleges shall on the appointed day, without any conveyance, transfer, disposition, assignation, or other instrument, be vested in, or be exercisable by, the College for all the right, title and interest therein of the regional colleges.

*Transfer of obligations, etc*

- 5 All debts, liabilities, responsibilities and obligations of the regional colleges existing immediately before the appointed day shall on the appointed day be transferred to and vested in the College and shall thereafter be discharged and satisfied by the College.

*Savings for agreements, deeds, actions, etc*

- 6 All agreements, appointments, awards, contracts, deeds and other instruments, and all actions and proceedings and causes of action, which immediately before the appointed day were existing or pending in favour of, or against, the regional colleges shall on and from the appointed day continue and may be carried into effect, enforced and prosecuted by, or in favour of, or against, the College to the same extent and in like manner as if the College instead of the regional colleges had been party to, or interested in, the same respectively.

*Transfer of interests in heritable and other property*

- 7 It is hereby declared that the vesting of any property in the College by virtue of this Order shall not—
- (a) constitute an assignation, assignment, transfer, devolution, parting with possession or other disposition of property or of an interest in property for the purposes of any provision relating to assignation, assignment, transfer, devolution, parting with possession or other disposition contained in any deed or other instrument or document concerning that property or that interest; or
  - (b) operate as a breach of any undertaking, obligation, covenant or condition against alienation; or
  - (c) give rise to any forfeiture or irritancy; or
  - (d) invalidate or discharge any contract or security; or
  - (e) operate so as to merge any leasehold interest (being the interest of the lessee of land under a lease or the interest of the sublessee of land under a sublease) in the interest of the immediate landlord under the lease or sublease.

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*Construction of bequests, etc*

- 8 Any scheme, will, trust deed, settlement, appointment, deed or other instrument, whether made or executed before, on or after the appointed day, which contains any bequest, legacy, gift, endowment or trust or other benefit in favour of or connected with the regional colleges shall, on and after the appointed day, be read and have effect as if the College were named therein instead of the regional colleges.

*Transfer of powers to appoint or nominate*

- 9 Any power or right of the regional colleges or of any officer or employee of or of the holder of any position in relation to the regional colleges to appoint or nominate a member of any education authority or of the governing body of any educational, charitable or other institution or to appoint or nominate a trustee or to be a trustee of any trust, settlement, endowment or scheme or to exercise any power of appointment in relation to the purposes or funds of any trust, settlement, endowment or scheme, shall on the appointed day be transferred to, and may be exercised by, the College or by the officer or employee of the College who in the opinion of the directors of the College most nearly performs the functions formerly performed by the former officer, employee or holder of any position in question.