

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Cross Heading: Third parties affected by vesting. (See end of Document for details)

SCHEDULES

SCHEDULE 3

TRANSFER AND APPORTIONMENT OF PROPERTY

Commencement Information

II [Sch. 3](#) wholly in force at 1.9.1992 see [s. 63\(2\)](#) and [S.I. 1992/817](#), [art. 3\(2\)](#), [Sch. 3](#)

Third parties affected by vesting

- 6 (1) Any transfer of land or other property, rights, liabilities or obligations from an education authority to the board of management of any college under section 16 of this Act and any subsequent transfer of such land, other property, rights, liabilities or obligations shall be binding on all other persons.
- (2) Where any such transfer to the board of management of a college has an effect on the rights, liabilities or obligations of a third party—
- (a) in the case of a transfer to which paragraph 1 above applies, the education authority; and
 - (b) in the case of a transfer to which paragraph 4 above applies, the commissioner,
- shall give notice in writing to the third party of such transfer.
- (3) Where, in consequence of any transfer such as is mentioned in sub-paragraph (1) above or the effect of any of the provisions of this Schedule—
- (a) the rights, liabilities or obligations of any person other than the education authority or any board of management which were enforceable against or by the authority become enforceable against the board of management mentioned in that sub-paragraph or partly against the authority and partly against the board of management of one or more colleges; and
 - (b) the value of any property or interest of that person is thereby diminished,
- such compensation as may be just shall be paid to that person by the authority or the board of management of, as the case may be, one or more colleges or by all or any of them.
- (4) Any dispute as to whether, and if so how much, compensation is to be paid under sub-paragraph (3) above, or as to the person to or by whom it is to be paid, shall be referred to and determined by an arbiter appointed by the Lord President of the Court of Session.

Commencement Information

II [Sch. 3 para. 6](#) wholly in force at 1.9.1992 see [s. 63\(2\)](#) and [S.I. 1992/817](#), [art. 3\(2\)](#), [Sch. 3](#)

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