

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

[^{F1}SCHEDULE 2B REGIONAL BOARDS

Textual Amendments

- F1** Sch. 2B inserted (1.5.2014 for the insertion of sch. 2B paras. 1, 2, 3 (in part), 6 (in part), 7 (in part), 8, 9 (in part), 10-12, 14-18, 1.8.2014 in so far as not already in force) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), **ss. 11(2), 23(2)**; S.S.I. 2014/79, art. 2(1)(2)(3), Sch. 1, 2 (with art. 3)

General powers

- 14 (1) The board may (subject to sub-paragraphs (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;
 - (d) accepting gifts of money, land or other property;
 - (e) forming or promoting (whether alone or with another) companies under the Companies Act 2006.
- (2) The board may not borrow money.
- (3) The board 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 board is not to dispose of any property to which this sub-paragraph applies without the written consent of the Scottish Ministers.
- (5) Consent, for the purposes of sub-paragraphs (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.
- (6) Consent, for the purposes of sub-paragraph (4), is not required for a disposal of land which is or forms part of property to which that sub-paragraph applies if the disposal is in consequence of the compulsory acquisition (under any enactment) of the land.
- (7) But the board is to inform the Scottish Ministers of the compulsory acquisition (under any enactment) of land which is or forms part of property to which sub-paragraph (4) applies.
- (8) Where property to which sub-paragraph (4) applies is disposed of, the board 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 board, determine.
- (9) Sub-paragraph (4) applies to—

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- (a) any property which has been acquired, improved or maintained wholly or partly, or directly or indirectly, out of funds provided by the Council under section 12; and
- (b) any proceeds of, or any consideration for, the disposal of any such property.]

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