



# City of Edinburgh Council (Portobello Park) Act 2014 2014 asp 15

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 26th June 2014 and received Royal Assent on 1st August 2014**

An Act of the Scottish Parliament to change the status of Portobello Park so as to permit the City of Edinburgh Council to appropriate it for the purposes of the Council's functions as an education authority; and for connected purposes.

## **1 Status of Portobello Park**

- (1) Subject to subsection (2), for the purposes of Part VI of the 1973 Act Portobello Park is deemed to be land forming part of the common good of the Council with respect to which land no question arises as to the right of the Council to alienate.
- (2) For the purposes of subsection (1), no question shall arise as to the Council's right to alienate Portobello Park only to the extent that the alienation in question consists of the appropriation of Portobello Park for the purposes of the Council's functions as an education authority, including for the avoidance of doubt the Council's powers under section 17 of the 1980 Act.

## **2 Status of pre-existing conditions, powers and duties**

- (1) Any powers under Part VI of the 1973 Act that are exercisable by the Council in respect of Portobello Park as a result of section 1 are exercisable notwithstanding any term of the disposition that would otherwise prevent their use.
- (2) Nothing in this Act shall prejudice the exercise of the Council's powers, or existence of the Council's duties, under sections 14 to 19 of the Local Government and Planning (Scotland) Act 1982 in respect of Portobello Park.

## **3 Restoration of status**

- (1) If Portobello Park is appropriated for the educational purposes mentioned in section 1(2), but—
  - (a) it is not used for those purposes within the opportunity period, or
  - (b) having been used for those purposes, it ceases to be so used,

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*Status: This is the original version (as it was originally enacted).*

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then subsection (2) applies.

(2) The previous legal and title restrictions apply.

(3) In this section—

“the opportunity period” means the period of 10 years beginning with the date of the appropriation,

“the previous legal and title restrictions” means so much of the law and such of the terms of the disposition as would have applied to Portobello Park at the time set out in subsection (4) and on the assumption set out in subsection (5).

(4) That time is immediately before—

- (a) the expiry of the opportunity period or, as the case may be,
- (b) the cessation of use.

(5) That assumption is that the appropriation never occurred.

#### **4 Interpretation**

(1) In this Act—

“the 1973 Act” means the Local Government (Scotland) Act 1973,

“the 1980 Act” means the Education (Scotland) Act 1980,

“the Council” means the City of Edinburgh Council,

“the disposition” means the Feu Disposition granted by Sir James Miller in favour of the Lord Provost, Magistrates and Council of the City of Edinburgh dated 12 November 1898 and recorded in the Division of the General Register of Sasines for the County of Edinburgh (now Midlothian) on 16 November 1898,

“education authority” has the meaning given in section 135 of the 1980 Act, and

“Portobello Park” means the area of land in Edinburgh extending to approximately 6.4 hectares, being part of the land conveyed by the disposition and being bounded on the south by Milton Road, on the west by Park Avenue, on the east by Hope Lane, and on the north by an imaginary line approximately 530 metres in length, commencing at a point at NT 30384 72978 and extending to a point at NT 30849 73057, via points at—

- (a) NT 30401 72972,
- (b) NT 30412 72984,
- (c) NT 30405 73010,
- (d) NT 30421 73008,
- (e) NT 30456 73013,
- (f) NT 30458 73010,
- (g) NT 30459 73004,
- (h) NT 30461 73000,
- (i) NT 30468 73003,
- (j) NT 30469 73013,
- (k) NT 30501 73021,
- (l) NT 30509 73019,
- (m) NT 30513 73022,
- (n) NT 30597 73035,
- (o) NT 30648 73041,

- (p) NT 30665 73045,
- (q) NT 30729 73052,
- (r) NT 30737 73051,
- (s) NT 30761 73055,
- (t) NT 30778 73060,
- (u) NT 30795 73062,
- (v) NT 30809 73062,
- (w) NT 30824 73059,
- (x) NT 30834 73060.

- (2) The references to points in subsection (1) are references to Ordnance Survey National Grid Map reference points.

## **5 Commencement**

This Act comes into force on the day after Royal Assent.

## **6 Short title**

The short title of this Act is the City of Edinburgh Council (Portobello Park) Act 2014.