

# **CITY OF EDINBURGH COUNCIL (LEITH LINKS AND SURPLUS FIRE FUND) ACT 2014**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 1: Modification of restriction on buildings in certain parks***

8. **Section 1** amends section 22 of the Schedule to the 1991 Act, which prohibits the erection of buildings on Leith Links other than buildings falling into specified categories, by creating an exception to that prohibition for the proposed statue of John Rattray.

#### ***Section 2: Purposes for which the Surplus Fire Fund may be applied***

9. Subsection (1) limits the trustees of the Fund to applying it only in accordance with subsections (2) and (3).
10. Subsection (2) sets out the purposes for which the trustees must apply the Fund.
11. Subsection (3) provides that awards, grants, payments and other benefits in respect of injury or death, or in respect of damage to domestic premises or household contents, may only be made to, or conferred upon, individuals residing within the Council area.
12. Subsection (4) ensures that any other provision, in earlier legislation or any trust deed, that specifies purposes for which the Fund may be used no longer has effect. This ensures that the Fund may only be used for the purposes set out in this section.

#### ***Section 3: Transfer of property, rights, interests and liabilities***

13. Subsection (1) transfers all property, rights, interests and liabilities of the Fund to EVOT.
14. Subsection (3) makes EVOT a party to any contract entered into by the Fund. This ensures that the other party or parties to any such contract are not prejudiced by the transfer of the Fund's assets etc to EVOT, nor by the Fund's dissolution under section 5.
15. Subsection (4) ensures that the transfer of any particular property, right, interest or liability of the Fund is not precluded or prejudiced because of the absence of any delivery, possession or intimation of assignation that would otherwise be required for such a transfer to be valid.
16. Subsection (5) ensures that the transfer of any property, right, interest or liability is not precluded or prejudiced because of the absence of a disposition, conveyance or assignation that would otherwise be required.
17. Subsection (6) ensures that any legal proceedings brought by or against the Fund at the date of transfer may be continued by or against EVOT. This ensures that any such proceedings are not frustrated because of the transfer of the Fund's property, rights, interests and liabilities to EVOT, nor by the Fund's dissolution under section 5.

***Section 4: Restrictions on the transferee following transfer***

18. Subsection (1) ensures that EVOT must hold the property transferred to it, and any income deriving from it, separately from its other assets, as restricted funds.
19. Subsection (2) restricts EVOT to using that fund for the same purposes, and subject to the same condition, as are set out in section 2.
20. Subsections (3) to (5) permit the Fire Brigades Union (“FBU”) to nominate up to two individuals who will be entitled to attend any EVOT meetings at which the restricted funds are discussed. Those individuals must receive the same notice of the meeting as EVOT’s trustees and may contribute to any discussions at the meeting relating to the restricted funds. They may also access documents relating to the restricted funds on the same terms as any other EVOT trustee or committee member. However, they are not entitled to vote on any matter.
21. Subsection (6) makes provision for the FBU’s rights under this section to be transferred to another organisation representing professional firefighters in the event that the FBU ceases to exist.

***Section 5: Dissolution and repeal***

22. [Section 5](#) dissolves the Fund and repeals the provisions of the 1927 Act, 1967 Act and 1991 Act relating to it.

***Section 7: Commencement***

23. The provisions creating the exception for the statue on Leith Links and changing the purposes of the Fund come into force the day after Royal Assent. The transfer of the Fund’s property, rights, interests and liabilities takes place at the end of 7 days beginning with the day of Royal Assent. The Fund is dissolved the day after the transfer.