



Further and Higher Education (Scotland) Act 1992

1992 CHAPTER 37

PART I

FURTHER EDUCATION

CHAPTER III

COLLEGES OF FURTHER EDUCATION

Educational endowments and trusts

19 Educational endowments.

- (1) Where, immediately before the first transfer date in relation to any college of further education prescribed by the Secretary of State under section 11 of this Act, an educational endowment is to any extent vested in an education authority or an officer of such an authority solely for the purposes of benefiting—

- (a) the college; or
- (b) students of the college,

such endowment shall, on that date, to that extent and for those purposes, be transferred to and vest in the board of management of the college.

- (2) Where, immediately before the first transfer date, an educational endowment is vested in an education authority or one of their officers —

- (a) for the benefit of all colleges of further education in the area of the authority; or
- (b) for the benefit of any group of such colleges; or
- (c) for the benefit of students of such colleges,

and any such college is a college prescribed as mentioned in subsection (1) above, the authority or, as the case may be, their officer shall continue to apply such endowment

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Cross Heading: Educational endowments and trusts. (See end of Document for details)

for the benefit of such college or, as the case may be, students of such college as if it had not been so prescribed.

- (3) The Secretary of State may by order make such modifications as he thinks fit—
- (a) to the purposes to which any relevant educational endowment may be applied; and
 - (b) to any conditions or provisions regarding such application,
- provided that following any such modifications the purposes to which the endowment may be applied shall continue to be charitable purposes [^{F1}(within the meaning of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10)].
- (4) Before making any modifications under subsection (3) above to the purposes to which a relevant educational endowment may be applied, the Secretary of State shall, so far as it appears to him practicable to do so, consult—
- (a) the board of management; and
 - (b) where any other person is empowered, by whatever means, to modify the purposes to which the endowment may be applied, that person.
- (5) For the purposes of subsections (3) and (4) above, a “relevant educational endowment” is an educational endowment which is transferred to and vested in the board of management of a college of further education as mentioned in subsection (1) above.

Textual Amendments

- F1** Words in s. 19(3) substituted (24.4.2006) by [Charities and Trustee Investment \(Scotland\) Act 2005 \(asp 10\)](#), s. 107(2), [Sch. 4 para. 9](#); S.S.I. 2006/189, art. 2(2), [Sch. Pt. 2](#)

Commencement Information

- I1** S. 19 wholly in force at 1.4.1993 see s. 63(2) and [S.I. 1992/817](#), art. 3(2), [Sch. 4](#)

20 Variation of trust deeds.

- (1) Without prejudice to section 19(3) of this Act, the Secretary of State may by order make such modifications as he thinks fit of any trust deed relating to any land or other property held by any person for the purposes of any college of further education prescribed under section 11 of this Act.
- (2) Before making any modifications under subsection (1) above of any trust deed the Secretary of State shall, so far as it appears to him practicable to do so, consult—
- (a) the board of management of the college; and
 - (b) where any other person is empowered, by whatever means, to modify the trust deed, that person.

Commencement Information

- I2** [S. 20](#) wholly in force at 1.4.1993 see [s. 63\(2\)](#) and [S.I. 1992/817](#), art. 3(2), [Sch. 4](#)

Changes to legislation:

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Cross Heading: Educational endowments and trusts.