

*Changes to legislation:* There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Paragraph 4. (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

##### *Resolution of disputes*

- 4 (1) Where it appears to an education authority or a college council that it is unlikely, in the case of any matter in respect of which an agreement is required to be arrived at under paragraph 1 above, that an agreement will be arrived at, the authority or college council may refer the matter to the Secretary of State.
- (2) Where a matter is so referred, the Secretary of State shall appoint a commissioner for further education assets (in this Schedule referred to as “the commissioner”) who shall, after consulting the education authority and any person whom he considers to have an interest in becoming vested in any property, right, liability or obligation to which such an agreement is intended to relate, determine the matter.
- (3) The commissioner shall issue a written determination to the education authority and any college council required to arrive at such an agreement and may include in such determination any provision which could have been included in an agreement or other instrument made under or in pursuance of paragraph 1 above.
- (4) A determination made under this paragraph shall have effect for all purposes as if it were an agreement made under paragraph 1 above.
- (5) No application for the rectification of a determination under this paragraph may be made to the court under section 8 of the <sup>M1</sup>Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (rectification of defectively expressed documents) by the commissioner or by an education authority or a college council who are affected by the determination without the prior consent, given in writing, of the Secretary of State.
- (6) The education authority shall provide the commissioner with such information, including all documents relating to interests in land or [<sup>F1</sup>title conditions], as he may require for the purpose of the exercise of his functions under this paragraph.

##### Textual Amendments

**F1** Words in Sch. 3 para. 4(6) substituted (28.11.2004) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 122(1), 129(2), [Sch. 14 para. 10\(b\)](#) (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)

---

**Changes to legislation:** There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Paragraph 4. (See end of Document for details)

---

**Commencement Information**

**I1** Sch. 3 para. 4 wholly in force at 1.9.1992 see s. 63(2) and [S.I. 1992/817, art. 3\(2\)](#), [Sch. 3](#)

**Marginal Citations**

**M1** [1985 c. 73](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Paragraph 4.