



Self-Governing Schools etc. (Scotland) Act 1989

1989 CHAPTER 39

PART I

SELF-GOVERNING SCHOOLS

Winding up

53 Disposal of surplus money on winding up

- (1) Subject to subsection (2) below—
- (a) any money held by a board of management (whether in cash or to their account at or on deposit with any bank or other institution which may lawfully take deposits within the meaning of the Banking Act 1987); and
 - (b) any investments to which this section applies held by such a board,
- shall be paid or, as the case may be, transferred to the Secretary of State, after—
- (i) discharge of their liabilities (other than any not required to be discharged before the dissolution date is appointed); and
 - (ii) payment of all expenses of the winding up.
- (2) Where the Secretary of State is satisfied as to the whole or any part of any such money or as to any such investments—
- (a) that the money or that part of it was derived or, as the case may be, those investments were acquired otherwise than from grants paid by him; and
 - (b) that it ought to be paid, or the investments ought to be transferred, to an education authority or to some other person,

he may require the board of management to pay that money, or an amount equal to the part in question, or to transfer those investments, to such education authority or other person as he may specify, either absolutely or in trust for such purposes as he may specify.

Status: This is the original version (as it was originally enacted).

- (3) Without prejudice to the power of the Secretary of State under subsection (2) above, any payment of money or transfer of investments under this section shall be free of any trusts on which the money or investments are held by the board of management before the payment or transfer is made.
- (4) This section applies to any investment within the meaning of the Financial Services Act 1986 which falls within—
 - (a) any of paragraphs 1 to 6 of Schedule 1 to that Act; or
 - (b) paragraph 11 of that Schedule, so far as referring to investments falling within any paragraph of that Schedule mentioned in paragraph (a) above.
- (5) References in subsection (4) above to any paragraphs of Schedule 1 to that Act include references to those paragraphs as amended by any order under section 2 of the said Act of 1986 (power of Secretary of State to extend or restrict scope of Act) which amends those paragraphs for the purposes of all the provisions of that Act.