



# Further and Higher Education (Scotland) Act 1992

## 1992 CHAPTER 37

### PART I

#### FURTHER EDUCATION

#### CHAPTER III

#### COLLEGES OF FURTHER EDUCATION

#### *Property*

#### **18 Disposal of certain property.**

- (1) Subject to subsection (4) below, the board of management of a college of further education shall not dispose of any property to which this section applies without the prior consent, given in writing, of the Secretary of State.
- (2) Property to which this section applies is—
  - (a) property transferred to the board under or in pursuance of any of the provisions of this Part of this Act;
  - (b) property acquired by the board wholly or partly with assets which represent or in any way derive from any part of the proceeds of or any consideration for the disposal of property so transferred; and
  - (c) property acquired, improved or maintained wholly or partly, directly or indirectly, out of funds provided under or in pursuance of this Part of this Act by the Secretary of State or from the proceeds of or any consideration for the disposal of any property so acquired, improved or maintained.

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*Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Section 18. (See end of Document for details)*

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- (3) The consent of the Secretary of State may be given in respect of a particular disposal of property or of disposals of any class or description and may be given subject to such conditions as the Secretary of State may determine.
- (4) The consent of the Secretary of State is not required for the disposal of land which is or forms part of property to which this section applies where the disposal is in consequence of the compulsory acquisition of such land by any authority in pursuance of any power of compulsory acquisition under any enactment; but the board of management shall inform the Secretary of State of any such compulsory acquisition.
- (5) Where any property to which this section applies is disposed of, the board of management shall pay to [<sup>F1</sup>such educational charity as the Scottish Ministers may direct,] such portion of the proceeds or value of the consideration for the disposal, after deduction of such expenses as appear to the Secretary of State to have been reasonably incurred in the disposal, as the Secretary of State may, after consultation with the board, determine.
- [<sup>F2</sup>(6) In this section, “educational charity” means a body entered in the Scottish Charity Register which has the advancement of education as one of its charitable purposes.]

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#### Textual Amendments

- F1** Words in s. 18(5) substituted (9.3.2009) by [Further and Higher Education \(Scotland\) Act 1992 Modification Order 2009 \(S.S.I. 2009/28\)](#), arts. 1, **2(a)**
- F2** S. 18(6) inserted (9.3.2009) by [Further and Higher Education \(Scotland\) Act 1992 Modification Order 2009 \(S.S.I. 2009/28\)](#), arts. 1, **2(b)**
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#### Commencement Information

- I1** S. 18 wholly in force at 16.5.1992 see s. 63(2) and [S.I. 1992/817](#), art. 3(2), **Sch. 1**

**Changes to legislation:**

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Section 18.