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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 413**

**CHARITIES**

**The Protection of Charities Assets (Exemption) and the Charity Test (Specified Bodies) (Scotland) Amendment Order 2008**

*Made - - - - 12th December 2008*

*Coming into force*

*Article 3 25th January 2009*

*Remainder 1st January 2009*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 7(5) and 19(8) and (9) of the Charities and Trustee Investment (Scotland) Act 2005<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 103(5) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1.—(1) This Order may be cited as the Protection of Charities Assets (Exemption) and the Charity Test (Specified Bodies) (Scotland) Amendment Order 2008.

(2) This Order comes into force on 1st January 2009 with the exception of article 3 which comes into force on 25th January 2009.

**Amendment of the Protection of Charities Assets (Exemption) (Scotland) Order 2006**

2. In Part 2 of the Schedule to the Protection of Charities Assets (Exemption) (Scotland) Order 2006<sup>(2)</sup> (“the 2006 Order”) (further education colleges)—

- (a) for “The Board of Management of Adam Smith College, Fife” substitute “The Board of Management of the Adam Smith College, Fife”;
- (b) for “The Board of Management of Central College of Commerce” substitute “The Board of Management of Central College Glasgow”; and
- (c) for “The Board of Management of Glasgow College of Nautical Science” substitute “The Board of Management of Glasgow College of Nautical Studies”.

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(1) 2005 asp 10.

(2) S.S.I. 2006/220. Part 2 of the Schedule was amended by S.S.I. 2007/525.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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3. In Part 3 of the Schedule to the 2006 Order<sup>(3)</sup> (higher education institutions)–
- (a) after the entries for Edinburgh College of Art, in the first column (higher education institution) insert “Edinburgh Napier University” and in the second column (governing body) insert “University Court”; and
  - (b) omit the entries in the first and second columns for Napier University.

**Amendment of the Charity Test (Specified Bodies) (Scotland) Order 2008**

4. For paragraph (k) of the Schedule to the Charity Test (Specified Bodies) (Scotland) Order 2008<sup>(4)</sup> (specified bodies) substitute–
- “(k) The Board of Management of Central College Glasgow”.

St Andrew’s House,  
Edinburgh  
12th December 2008

*FIONA HYSLOP*  
A member of the Scottish Executive

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<sup>(3)</sup> Part 3 of the Schedule was amended by [S.S.I. 2007/171](#) and [525](#).  
<sup>(4)</sup> [S.S.I. 2008/268](#).

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Protection of Charities Assets (Exemption) (Scotland) Order 2006 (“the 2006 Order”) disapplied section 19(1) to (7) of the Charities and Trustee Investment (Scotland) Act 2005 (“the 2005 Act”) in relation to the property owned by the bodies listed in the Schedule to the 2006 Order.

Article 2 updates the list of further education colleges with effect from 1st January 2009. It amends Part 2 of the Schedule to the 2006 Order to reflect the change of name of Central College of Commerce to Central College Glasgow and to correct minor errors in the names of other colleges which were contained in the 2006 Order.

Article 3 updates the list of higher education institutions with effect from 25th January 2009. It amends Part 3 of the Schedule to the 2006 Order to reflect the change of name of Napier University to Edinburgh Napier University on this date.

The Charity Test (Specified Bodies) (Scotland) Order 2008 (“the 2008 Order”) disapplied paragraph (b) of section 7(4) of the 2005 Act in relation to the bodies listed in the Schedule to the 2008 Order.

Article 4 updates the list of specified bodies with effect from 1st January 2009. It amends the Schedule to the 2008 Order to reflect the change of name of the Board of Management of Central College of Commerce to the Board of Management of Central College Glasgow.