



# Self-Governing Schools etc. (Scotland) Act 1989

## 1989 CHAPTER 39

### PART I

#### SELF-GOVERNING SCHOOLS

##### *Property*

#### **45 Reduction or setting aside of disposals made in contravention of section 43.**

- (1) Where any land or moveable property has been disposed of by an education authority in contravention of section 43(1) of this Act, the commissioner for school assets appointed in respect of the school concerned may apply to the Court of Session for an order—
  - (a) reducing any document by which the disposal was effected; or
  - (b) where the disposal was effected by an oral agreement, setting aside the disposal.
- (2) In an application made under this section the court may, if it is satisfied that—
  - (a) the education authority had received a notice under section 13(6) of this Act, either of a first resolution or of a request, or in a case such as is mentioned in subsection (2) of section 14 of this Act intimation of consent under that subsection, before the disposal was made;
  - (b) the school board had not consented to the disposal; and
  - (c) the commissioner for school assets has issued an interim certificate under section 41 of this Act in respect of the land or moveable property disposed of,make the order applied for or such other order as it thinks fit.
- (3) The court shall not make an order under this section which would prejudice a party who acquired the land or moveable property—
  - (a) in good faith and for value; or

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**Status:** Point in time view as at 01/02/1991. This version of this provision has been superseded.

**Changes to legislation:** There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989, Section 45. (See end of Document for details)

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- (b) from a party who had so acquired it.
- (4) Where the court makes an order under this section, it may include in the order such terms and conditions as it thinks fit and may make any ancillary order which it considers expedient to ensure that the order is effective.

**Status:**

Point in time view as at 01/02/1991. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989, Section 45.