



# Further and Higher Education (Scotland) Act 1992

1992 CHAPTER 37

PART I **S**

FURTHER EDUCATION

CHAPTER IV **S**

TRANSITORY AND TRANSITIONAL PROVISIONS

*Enforcement of sections 28 to 30*

**31 Disposals and contracts without consent. **S****

- (1) This section and section 32 of this Act shall have effect in the case of any disposal or removal made by an education authority or any agreement or unilateral obligation for such disposal or removal entered into in contravention of section 28 or 29 of this Act or any contract entered into by them in contravention of section 30 of this Act.
- (2) Where any land to which section 28 of this Act applies is disposed of by an education authority in contravention of that section, the board of management may, with the consent of the Secretary of State, compulsorily acquire the land.
- (3) In any case where an education authority—
  - (a) has agreed to a disposal of land in contravention of section 28 of this Act; or
  - (b) has agreed to a disposal of other property or to the removal of any such property in contravention of section 29 of this Act; or
  - (c) has entered into a contract in contravention of section 30 of this Act; or
  - (d) has entered into a unilateral obligation to dispose of or remove any property in contravention of the said section 28 or 29,

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*Changes to legislation:* There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Section 31. (See end of Document for details)

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and the agreement, contract or other obligation, has not been implemented, or has been implemented only in part, then to the extent that it has not been so implemented, the board of management may repudiate the agreement, contract or obligation in accordance with subsection (4) below.

- (4) A repudiation under subsection (3) above shall be effected by the board of management serving notice in writing of the repudiation on the education authority and—
- (a) in the case of an agreement or contract, on the parties to the agreement or contract and any other person who is a beneficiary under the agreement or contract;
  - (b) in the case of a unilateral obligation, on any beneficiary under the obligation.
- (5) A repudiation under subsection (3) above shall have effect as if made by the education authority.
- (6) The <sup>M1</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to the compulsory acquisition of land under this section as if this section had been in force immediately before the commencement of that Act and, in relation to such acquisition, the board of management shall be treated as if they were a local authority within the meaning of that Act.
- (7) For the purposes of a compulsory acquisition of land under this section, the board of management shall be treated as a public authority for the purposes of [F1section 195 of the Town and Country Planning (Scotland) Act 1997] (general vesting declarations on compulsory acquisition).
- (8) For the purposes of this section and section 32 of this Act, references to the board of management shall be construed as references to—
- (a) in the case of land disposed of in contravention of section 28 of this Act, the board of management of the college of further education for or in connection with the purposes of which the land was owned, held, used or obtained;
  - (b) in the case of other property disposed of or removed in contravention of section 29 of this Act, the board of management of the college of further education for or in connection with the purposes of which the property was owned, held, used or obtained; and
  - (c) in the case of a contract entered into in contravention of section 30 of this Act, the board of management of the college of further education which would, by virtue of section 16 of this Act, be bound by the contract,

and any reference in this subsection to the disposal of land or to the disposal or removal of other property shall include a reference to an agreement or unilateral obligation for such disposal or removal.

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#### Textual Amendments

**F1** Words in s. 31(7) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 52**

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#### Commencement Information

**I1** S. 31 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), **Sch. 1**

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#### Marginal Citations

**M1** 1947 c. 42.

**Changes to legislation:**

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Section 31.