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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 220**

**CHARITIES**

**The Protection of Charities Assets  
(Exemption) (Scotland) Order 2006**

*Made* - - - - *21st April 2006*  
*Coming into force* - - *24th April 2006*

The Scottish Ministers, in exercise of the powers conferred by sections 19(8) and (9) of the Charities and Trustee Investment (Scotland) Act 2005<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has, in accordance with section 103(5) of that Act, been laid before and approved by resolution of the Scottish Parliament:

**Citation and commencement**

**1.** This Order may be cited as the Protection of Charities Assets (Exemption) (Scotland) Order 2006 and shall come into force on the 24th April 2006.

**Protection of Assets**

**2.** Subsections (1) to (7) of section 19 of the Charities and Trustee Investment (Scotland) Act 2005 are disapplied in relation to the property owned by—

- (a) the bodies specified in Part 1 (Non-departmental Public Bodies) and Part 2 (Further Education Colleges) of the Schedule to this Order; and
- (b) the Higher Education Institutions specified in the first column in Part 3 of the Schedule to this Order and the corresponding governing bodies specified in the second column in Part 3 of that Schedule.

St Andrew's House,  
Edinburgh  
21st April 2006

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

*Status: This is the original version (as it was originally made).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

## SCHEDULE

Article 2

### SPECIFIED BODIES

#### Part 1 – Non-departmental Public Bodies

The Board of Trustees of the National Galleries of Scotland  
The Board of Trustees of the National Museums of Scotland  
The Board of Trustees of the Royal Botanic Garden Edinburgh  
The General Teaching Council for Scotland  
Learning and Teaching Scotland  
Royal Commission on the Ancient and Historical Monuments of Scotland  
National Theatre of Scotland  
Scottish Arts Council  
Scottish Natural Heritage  
Scottish Qualifications Authority  
Scottish Screen  
Scottish Sports Council  
The Trustees of the National Library of Scotland

#### Part 2 – Further Education Colleges

The Board of Management of Aberdeen College of Further Education  
The Board of Management of Adam Smith College, Fife  
The Board of Management of Angus College of Further Education  
The Board of Management of Anniesland College  
The Board of Management of Ayr College  
The Board of Management of Banff and Buchan College of Further Education  
The Board of Management of the Barony College  
The Board of Management of Borders College  
The Board of Management of Cardonald College  
The Board of Management of Central College of Commerce  
The Board of Management of Clydebank College  
The Board of Management of Coatbridge College  
The Board of Management of Cumbernauld College  
The Board of Management of Dumfries and Galloway College  
The Board of Management of Dundee College  
The Board of Management of Edinburgh's Telford College  
The Board of Management of Elmwood College  
The Board of Management of Forth Valley College of Further and Higher Education  
The Board of Management of Glasgow College of Nautical Science

The Board of Management of Glasgow Metropolitan College  
The Board of Management of Inverness College  
The Board of Management of James Watt College of Further and Higher Education  
The Board of Management of Jewel and Esk Valley College  
The Board of Management of John Wheatley College  
The Board of Management of Kilmarnock College  
The Board of Management of Langside College  
The Board of Management of Lauder College  
The Board of Management of Lews Castle College  
The Board of Management of Moray College  
The Board of Management of Motherwell College  
The Board of Management of Newbattle Abbey College  
The Board of Management of North Glasgow College  
The Board of Management of the North Highland College  
The Board of Management of Oatridge Agricultural College  
The Board of Management of Orkney College  
The Board of Management of Perth College  
The Board of Management of Reid Kerr College  
The Board of Management of Sabhal Mòr Ostaig  
The Board of Management of Shetland College  
The Board of Management of South Lanarkshire College  
The Board of Management of Stevenson College Edinburgh  
The Board of Management of Stow College  
The Board of Management of West Lothian College

### Part 3 – Higher Education Institutions

<i>Higher Education Institution</i>	<i>Governing Body</i>
Bell College of Technology	Board of Governors
Edinburgh College of Art	Board of Governors
Glasgow Caledonian University	University Court
Glasgow School of Art	The Governors
Heriot-Watt University	University Court
Napier University	University Court
The Open University (so far as carrying on activities in or as regards Scotland)	The Council
Queen Margaret University College	Governing Body
The Robert Gordon University	The Governors
Royal Scottish Academy of Music and Drama	Board of Governors

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<i>Higher Education Institution</i>	<i>Governing Body</i>
UHI Millennium Institute	Board of Governors
University of Aberdeen	University Court
University of Abertay, Dundee	University Court
University of Dundee	University Court
University of Edinburgh	University Court
University of Glasgow	University Court
University of Paisley	University Court
University of St. Andrews	University Court
University of Stirling	University Court
University of Strathclyde	University Court

#### **EXPLANATORY NOTE**

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

By this Order, Scottish Ministers have disapplied section 19(1) to (7) of the Charities and Trustee Investment (Scotland) Act 2005 (“the 2005 Act”) in relation to the property and income owned by the bodies listed in the Schedule to the Order.

Section 19(1) of the 2005 Act provides that when a body is removed from the Scottish Charity Register (established by section 3 of the 2005 Act), it remains under a duty to apply property and income held by it before it was removed, in accordance with its purposes as set out on the register. Section 19(2) to (7) of the 2005 Act protects such assets and ensures that the Scottish Charity Regulator (established by section 1 of the 2005 Act), can continue to oversee the use of the property and income even though the body holding that property and income is no longer a charity, by ensuring that several provisions of the 2005 Act continue to apply to the body in so far as they relate to property and income.