

SCHEDULES

SCHEDULE 2

FURTHER PROVISIONS AND SAVINGS RELATING TO THE WINDING DOWN PERIOD

Vesting of existing bodies' foreign property in the Scottish Qualifications Authority

- 1 (1) It shall be the duty of each existing body and SQA to take, at such time during the existing body's winding down period as SQA considers appropriate, all such steps as may be requisite to secure that the vesting in SQA, by virtue of section 17 of this Act or this paragraph, of any foreign property, right, liability or obligation is effective under the relevant foreign law.
- (2) During their winding down period, until such vesting as is mentioned in sub-paragraph (1) above in SQA is effective in foreign law, it shall be the duty of each existing body to hold the property or right in question for the benefit of, or to discharge the liability on behalf of, SQA.
- (3) Nothing in sub-paragraphs (1) and (2) above shall be taken as prejudicing the effect under the law of any part of the United Kingdom of such vesting as is so mentioned.
- (4) Each existing body shall have all such powers as may be requisite for the performance of its duty under this paragraph, but—
- (a) it shall be the duty of SQA during the existing body's winding down period to act on its behalf (so far as possible) in performing the duty imposed on the existing body by this paragraph; and
 - (b) any foreign property, right, liability or obligation acquired or incurred by the existing body during that period shall immediately become the property, right, liability or obligation of SQA.
- (5) References in this paragraph to any foreign property, right, liability or obligation are references to any property, right, liability or obligation as respects which any issue arising in any proceedings would have been determined (in accordance with the rules of private international law) by reference to the law of a country or territory outwith the United Kingdom.

Changes to legislation:

There are currently no known outstanding effects for the Education (Scotland) Act 1996, Paragraph 1.