



# City of Edinburgh Council (Leith Links and Surplus Fire Fund) Act 2014

## 2014 asp 7

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 18th February 2014 and received Royal Assent on 27th March 2014**

An Act of the Scottish Parliament to amend the City of Edinburgh District Council Order Confirmation Act 1991 to create an exception to the prohibition on the construction of monuments on Leith Links; to amend the purposes for which the Surplus Fire Fund may be used; to transfer the property, rights, interests and liabilities of the Surplus Fire Fund to a successor charitable trust and then dissolve the Surplus Fire Fund; and for connected purposes.

### *Leith Links*

#### **1 Modification of restriction on buildings in certain parks**

In section 22 of the Schedule to the 1991 Act (restrictions on buildings in certain parks) the existing provision becomes subsection (1) and after that subsection (as so numbered) there is inserted—

“(2) Nothing in subsection (1) prohibits the construction of a monument on Leith Links, consisting of a statue of John Rattray, commemorating the first recorded rules of the game of golf.”

### *Surplus Fire Fund*

#### **2 Purposes for which the Surplus Fire Fund may be applied**

- (1) The trustees of the Surplus Fire Fund may apply the Surplus Fire Fund only for the purposes set out in subsection (2), and in accordance with the condition set out in subsection (3).
- (2) The purposes referred to in subsection (1) are—
  - (a) the relief of any persons suffering injury, or of the dependants of persons who have lost their lives or have suffered injury, in or in connection with fires within the City of Edinburgh local government area;

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- (b) making awards or grants to compensate for damage, other than structural damage, to domestic premises and household contents caused by fire within the City of Edinburgh local government area;
  - (c) making awards or grants to natural persons who have rendered meritorious services in connection with fires within the City of Edinburgh local government area; and
  - (d) making awards or grants to fund the purchase of equipment for use in hospital burns units that the trustees believe will provide care to patients a reasonable proportion of whom reside within the City of Edinburgh local government area.
- (3) The condition referred to in subsection (1) is that awards, grants, payments and other benefits made or conferred in respect of the purposes in subsections (2)(a) and (b) may only be made to, or conferred upon, natural persons who reside within the City of Edinburgh local government area.
- (4) Any provision of any other enactment, or of any trust deed, that provides for the Surplus Fire Fund to be applied for any specified purpose is of no effect.

### **3 Transfer of property, rights, interests and liabilities**

- (1) All property, rights, interests and liabilities of the Surplus Fire Fund are transferred to and vest in the transferee.
- (2) Subsection (1) has effect so as to transfer any property, rights, interests and liabilities notwithstanding any provision (of whatever nature) that would otherwise prevent or restrict that transfer.
- (3) In every existing contract in which the Surplus Fire Fund is referred to, references to the Surplus Fire Fund are to be construed as references to the transferee.
- (4) Any property, right, interest or liability in respect of which but for this Act—
- (a) delivery or possession; or
  - (b) intimation of its assignation,
- would be required in order to complete title to it, transfers to and vests in the transferee by virtue of this Act as if at the date on which the transfer of the property, right, interest or liability by this Act takes effect the transferee had taken delivery or possession of the property, right, interest or liability in question or, as the case may be, had made intimation of its assignation.
- (5) This Act is deemed to be, and may be used as, a general disposition, conveyance or, as the case may be, assignation of such property, rights, interests or liabilities in favour of the transferee.
- (6) Any legal proceedings, applications to any authority or other proceedings for the resolution of a dispute by or against the Surplus Fire Fund which are pending or current at the time this section comes into force may be continued by or against the transferee.

### **4 Restrictions on the transferee following transfer**

- (1) The transferee must hold, invest and otherwise deal with the property transferred by virtue of this Act, and any income deriving from that property, separately from any other property it holds, and in this Act such property and income is referred to as the “restricted funds”.

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- (2) The transferee may apply the restricted funds only for the purposes set out in section 2(2), and in accordance with the condition set out in section 2(3).
- (3) The Fire Brigades Union may nominate up to two individuals for the purposes of subsections (4) and (5).
- (4) The transferee must permit any individuals nominated under subsection (3) to attend any meeting of the trustees of the transferee, or any committee of the transferee, at which the restricted funds are discussed.
- (5) Any individuals nominated under subsection (3) are not entitled to vote on any matter but—
  - (a) must be given at least as much notice of the meeting as is given to any trustee of the transferee, or any member of the relevant committee of the transferee;
  - (b) are entitled to contribute to any discussions at the meeting relating to the restricted funds; and
  - (c) are to have the same right of access to documents relating directly or indirectly to the restricted funds as any other trustee of the transferee, or any member of the relevant committee of the transferee.
- (6) In the event that the Fire Brigades Union ceases to exist, the power under subsection (3) is to be exercisable by—
  - (a) any body nominated by the Fire Brigades Union, prior to its ceasing to exist, to inherit that power; or
  - (b) in the absence of such a body, an organisation specified by the transferee, within three months of the date on which the Fire Brigades Union ceases to exist, which appears to it to be representative of professional firefighters operating in the City of Edinburgh local government area.

## **5 Dissolution and repeal**

- (1) The Surplus Fire Fund is dissolved.
- (2) The following are repealed—
  - (a) section 71 of the Schedule to the 1927 Act;
  - (b) section 572 of the Schedule to the Edinburgh Corporation Order Confirmation Act 1967;
  - (c) section 41 of the Schedule to the 1991 Act; and
  - (d) in section 38 of the Schedule to the 1991 Act, the definition of “surplus fire fund”.

### *General*

## **6 Interpretation**

In this Act—

- “the 1927 Act” means the Edinburgh Corporation Order Confirmation Act 1927;  
“the 1991 Act” means the City of Edinburgh District Council Order Confirmation Act 1991;  
“the Fire Brigades Union” means the unincorporated association formed in 1918, having places of business at Bradley House, 68 Coombe Road, Kingston-upon-

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Thames, Surrey and 52 St Enoch Square, Glasgow, and being listed as number 332T in the list of trade unions kept by the Certification Officer under Part 1 of the Trade Union and Labour Relations (Consolidation) Act 1992;

“Surplus Fire Fund” means the fund which was raised to relieve the sufferers by the great fire which occurred in Edinburgh in November 1824 and which was transferred to the Corporation of Edinburgh by section 71 of the Schedule to the 1927 Act, being a registered Scottish charity with the charity number SC018967;

“transferee” means the Edinburgh Voluntary Organisations Trust, a registered Scottish charity with the charity number SC031561, being a charitable trust established by a trust deed dated 29th January 2001 and registered in the Books of Council and Session on 2nd February 2001.

## **7 Commencement**

- (1) Sections 1, 2 and 6, this section and section 8 come into force on the day after Royal Assent.
- (2) Sections 3 and 4 come into force at the end of the period of 7 days beginning with the day of Royal Assent.
- (3) Section 5 comes into force at the end of the period of 8 days beginning with the day of Royal Assent.

## **8 Short title**

The short title of this Act is the City of Edinburgh Council (Leith Links and Surplus Fire Fund) Act 2014.