



# 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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*Changes to legislation: There are currently no known outstanding effects for the City of Edinburgh Council (Leith Links and Surplus Fire Fund) Act 2014. (See end of Document for details)*

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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”.