
STATUTORY INSTRUMENTS

1996 No. 478 (S.42)

**LOCAL GOVERNMENT, SCOTLAND
EDUCATION, SCOTLAND**

**The Educational Endowments (Grampian
Region) Transfer Scheme Order 1996**

<i>Made</i>	- - - -	<i>26th February 1996</i>
<i>Laid before Parliament</i>		<i>11th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 17(1), (2), (3), (4), (6) and (8) of the Local Government etc. (Scotland) Act 1994⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Educational Endowments (Grampian Region) Transfer Scheme Order 1996 and shall come into force on 1st April 1996.

Making of Scheme

2. The Scheme set out in the Schedule to this Order shall have effect.

St Andrew's House,
Edinburgh
26th February 1996

Raymond S Robertson
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE

Article 2

THE EDUCATIONAL ENDOWMENTS (GRAMPIAN REGION) TRANSFER SCHEME 1996

Citation

1. This Scheme may be cited as the Educational Endowments (Grampian Region) Transfer Scheme 1996.

Interpretation

2.—(1) In this Scheme—

- (a) references to Grampian Regional Council and to Aberdeen, Banff and Buchan, Gordon, Kincardine and Deeside and Moray District Councils are to those councils as constituted under section 2 of the Local Government (Scotland) Act 1973(2); and
- (b) references to Aberdeen City, Aberdeenshire and Moray Councils are to those Councils as constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

(2) In this Scheme, unless the context otherwise requires, any reference to a numbered paragraph or Schedule is a reference to a paragraph of, or Schedule to, this Scheme.

Transfer of specific interests in educational endowments from Grampian Regional Council to Aberdeen City Council

3.—(1) On 1st April 1996 the following educational endowments vested in Grampian Regional Council immediately before that date shall be transferred to and vest in Aberdeen City Council:—

- (a) the endowments comprised in the Grampian Regional Council Prize Fund (to be renamed with effect from 1st April 1996 the Aberdeen City Council Prize Fund) and in the Murray Pictures Fund, James Findlay Prize Fund and Liddel Prize Fund, all administered in accordance with the City of Aberdeen Educational Endowments Scheme 1985(3); and
- (b) the endowments listed in Part I of Schedule 1.

(2) On 1st April 1996 the following powers vested in Grampian Regional Council immediately before that date shall be transferred to and vest in Aberdeen City Council:—

- (a) all powers under the City of Aberdeen Educational Endowments Scheme 1985; and
- (b) all powers with respect to the endowments listed in Part I of Schedule 1.

Transfer of specific interests in educational endowments from Grampian Regional Council to Aberdeenshire Council

4.—(1) On 1st April 1996 the following educational endowments vested in Grampian Regional Council immediately before that date shall be transferred to and vest in Aberdeenshire Council:—

- (a) the endowments comprised in the Aberdeenshire Educational Trust, governed by the Aberdeenshire Educational Trust Scheme 1955(4); and
- (b) the endowments of the Brander Library Trust, also governed by the said Scheme; and
- (c) the endowments listed in Part II of Schedule 1.

(2) 1973 c. 65; section 2 is repealed by the Local Government etc. (Scotland) Act 1994 (c. 39), section 180(2) and Schedule 14.
(3) Approved by the Court of Session on 17th December 1985, amended by the City of Aberdeen Educational Endowments (Amendment) Schemes 1988 and 1991.
(4) Approved by Order in Council dated 24th April 1956, amended by S.I.1967/584.

(2) On 1st April 1996 the following powers vested in Grampian Regional Council immediately before that date shall be transferred to and vest in Aberdeenshire Council:—

- (a) all powers under the Aberdeenshire Educational Trust Scheme 1955;
- (b) all powers under the Kincardineshire Educational Trust Scheme 1962⁽⁵⁾; and
- (c) all powers with respect to the endowments listed in Part II of Schedule 1.

(3) On 1st April 1996 the rights to be paid money under section 2(2) and (3) of the Aberdeenshire Educational Trust Scheme 1955 vested in Grampian Regional Council immediately before that date shall be transferred to and vest in Aberdeenshire Council.

Transfer of specific interests in educational endowments from Grampian Regional Council to Moray Council

5.—(1) On 1st April 1996 the following educational endowments vested in Grampian Regional Council immediately before that date shall be transferred to and vest in Moray Council:—

- (a) the endowments comprised in the Moray and Nairn Educational Trust, governed by the Moray and Nairn Educational Trust Scheme 1935⁽⁶⁾;
- (b) the endowments of Milne’s Institution Trust, governed by the Grampian Regional Council Milne’s Institution Trust Scheme 1991⁽⁷⁾; and
- (c) the endowments listed in Part III of Schedule 1.

(2) On 1st April 1996 the following powers vested in Grampian Regional Council immediately before that date shall be transferred to and vest in Moray Council:—

- (a) all powers under the Moray and Nairn Educational Trust Scheme 1935;
- (b) all powers under the Grampian Regional Council Milne’s Institution Trust Scheme 1991; and
- (c) all powers with respect to the endowments listed in Part III of Schedule 1.

(3) On 1st April 1996 the rights to be paid money under sections 3 and 4 of the Moray and Nairn Educational Trust Scheme 1955 vested in Grampian Regional Council immediately before that date shall be transferred to and vest in Moray Council.

Transfer of interests in any educational endowments not specifically provided for from Grampian Regional Council to new authorities

6.—(1) Where immediately before 1st April 1996 there were vested in Grampian Regional Council—

- (a) to any extent, any educational endowments;
- (b) any powers with respect to educational endowments;
- (c) any rights to be paid money out of educational endowments,

which are not specifically provided for in paragraphs 3 to 5, then, subject to paragraph 8 and Schedule 2, and to paragraph 9 and Schedule 3, such educational endowments shall to the same extent, and such powers and rights shall, on that date be transferred to and vest in the appropriate new authority.

(2) Where immediately before 1st April 1996 there were vested by virtue of his office in the holder of an office connected with Grampian Regional Council, or in a person nominated by that Council—

(5) Approved by the Kincardineshire Educational Trust Scheme 1962, Order in Council 1963 (S.I. 1963/373).

(6) Approved by Order in Council dated 8 June 1937, amended by S.I. 1982/73.

(7) Made on 5th July 1991.

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- (a) to any extent, any educational endowments;
- (b) any powers with respect to educational endowments,

then, subject to paragraph 8 and Schedule 2, and to paragraph 9 and Schedule 3, such educational endowments shall to the same extent, and such powers shall, on that date be transferred to and vest in—

- (i) in the case where they were vested by virtue of his office in a councillor, or in the holder of a specified office held by a councillor, a councillor of the appropriate new authority nominated by that authority for the purpose;
 - (ii) in the case where they were vested by virtue of his office in an officer of Grampian Regional Council, the proper officer of the appropriate new authority;
 - (iii) in the case where they were vested in a person nominated by Grampian Regional Council, a person nominated by the appropriate new authority.
- (3) In this paragraph, “the appropriate new authority” means—
- (a) subject to head (c) below, the new authority for the area in which any educational establishment to which the endowment relates is situated; or
 - (b) subject to head (c) below, where the endowment relates to no particular establishment, the new authority for the area in which the beneficiaries of the endowment are required under its governing instrument to reside or with which they are so required to have some other connection; or
 - (c) where heads (a) and (b) above do not apply, or where application of them indicates more than one new authority, the new authority for the area with which the endowment is most closely connected.

Transfer of interests in educational endowments from district councils to new authorities

7.—(1) Where immediately before 1st April 1996 there were vested in Aberdeen, Banff and Buchan, Gordon, Kincardine and Deeside or Moray District Council—

- (a) to any extent, any educational endowments;
- (b) any powers with respect to educational endowments;
- (c) any rights to be paid money out of educational endowments,

then, subject to paragraph 8 and Schedule 2, and to paragraph 9 and Schedule 3, such educational endowments shall to the same extent, and such powers and rights shall, on that date be transferred to and vest in the successor authority.

(2) Where immediately before 1st April 1996 there were vested by virtue of his office in the holder of an office connected with Aberdeen, Banff and Buchan, Gordon, Kincardine and Deeside or Moray District Council, or in a person nominated by that Council—

- (a) to any extent, any educational endowments;
- (b) any powers with respect to educational endowments,

then, subject to paragraph 8 and Schedule 2, and to paragraph 9 and Schedule 3, such educational endowments shall to the same extent, and such powers shall, on that date be transferred to and vest in—

- (i) in the case where they were vested by virtue of his office in a councillor, or in the holder of a specified office held by a councillor, a councillor of the successor authority nominated by that authority for the purpose;
- (ii) in the case where they were vested by virtue of his office in an officer of the relevant district council, the proper officer of the successor authority;

(iii) in the case where they were vested in a person nominated by the relevant district council, a person nominated by the successor authority.

(3) In this paragraph, “the successor authority” means—

- (a) in relation to Aberdeen District Council, Aberdeen City Council;
- (b) in relation to Banff and Buchan, Gordon or Kincardine and Deeside District Council, Aberdeenshire Council;
- (c) in relation to Moray District Council, Moray Council.

Transfer of endowments of Banffshire Educational Trust from Grampian Regional Council to new governing body

8.—(1) On 1st April 1996 the endowments comprised in the Banffshire Educational Trust, governed by the Banffshire Educational Trust Scheme 1976⁽⁸⁾, vested in Grampian Regional Council immediately before that date shall be transferred to and vest in the Governors of the Banffshire Educational Trust, constituted and incorporated under the said Scheme as amended in accordance with Schedule 2.

(2) On 1st April 1996 all powers under the Banffshire Educational Trust Scheme 1976 vested in Grampian Regional Council immediately before that date shall be transferred to and vest in the said Governors of the Banffshire Educational Trust.

(3) On 1st April 1996 all rights to be paid money out of educational endowments conferred by the Banffshire Educational Trust Scheme 1976 vested in Grampian Regional Council immediately before that date shall be transferred to and vest in the said Governors of the Banffshire Educational Trust.

(4) The Banffshire Educational Trust Scheme 1976 shall be amended in accordance with Schedule 2.

Amendments of governing instruments

9. The governing instruments specified in Schedule 3 shall be amended in accordance with that Schedule.

Consequential provision for interpretation of governing instruments

10. Subject to paragraph 8 and Schedule 2 and paragraph 9 and Schedule 3, and unless the context otherwise requires, where an educational endowment, or a power or right in respect of an educational endowment, is transferred by this Scheme, any reference, however expressed, in the governing instrument of the endowment in relation to that endowment, power or right, to a local authority or person in whom the endowment, power or right was at any time vested shall be construed as a reference to the council or person in whom the endowment, power or right is vested under this Scheme.

Termination of existing appointments

11. Any person elected or appointed by an existing local authority to be a member of the governing body of an educational endowment shall demit office at 1st April 1996.

(8) S.I. 1976/93.

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SCHEDULE 1

Paragraphs 3, 4 and 5

MISCELLANEOUS ENDOWMENTS TRANSFERRED

PART I

MISCELLANEOUS ENDOWMENTS
TRANSFERRED TO ABERDEEN CITY COUNCIL

<i>Name of Endowment</i>	<i>Purpose</i>
Aberdeen Institution for Deaf and Dumb Fund	For benefit of Aberdeen School for the Deaf
D M Andrew Bequest	For prize in classics at Aberdeen Grammar School
Miss Elizabeth H Bain Bequest	For music tuition and for instruments to pupils in city schools
Mrs Athol Benzie Prize Fund	For best all round pupil in the fifth year at Aberdeen Academy
Edith and David R Bishop Prize Fund	For prize or prizes to pupil or pupils of Aberdeen Grammar School selected by the Rector
Mrs Mina Brooks Memorial Prize	For prizes for children's theatre
Miss Lucy Cruickshank Prize Fund	For prize to best pupil or pupils in French and German at High School for Girls
Jessie Durno Prize Fund	For prize in Mathematics at Aberdeen Academy
Mary Durno Prize Fund	For prize in English at Aberdeen Academy
Margaret Duthie Memorial Prize Fund	For pupil showing the greatest endeavour at Dyce School
Miss Margaret C Harper Prize Fund	For prize to best pupil in German at Aberdeen Academy
Miss Bessie Heriot Prize Fund	For prize to best girl at Kaimhill Secondary School
Dr Duncan B Heriot Prize Fund	For prizes in English and History at Aberdeen Academy
Dr Duncan B Heriot Prize Fund	For prize to best boy at Kaimhill Secondary School
Miss Elizabeth M M Laing Prize	Prize for best pupil in French in the Third Year at Aberdeen Academy
Logie Pirie Scholarship Fund	For the benefit of schools in the Dyce, Bucksburn Area
Dr George MacKenzie Prize Fund	For prize to best pupil in German in Aberdeen Academy

<i>Name of Endowment</i>	<i>Purpose</i>
George R McIntosh Bequest	For prize to best joinery student at Aberdeen Technical College
Kenneth MacIntosh Bequest	For paying or supplementing the expenses of pupils of Aberdeen Grammar School who might otherwise be unable to afford the cost of school trips abroad or elsewhere
Dr Charles McLeod Trust	For purchase of books on Physical Science and Astronomy at Aberdeen Grammar School
William Meston Bursary Fund	For bursary to pupil of merit at Culter School undertaking a secondary course
Miss Lizzie L Milne Prize Fund	For prize in all round excellence to pupil in senior classes at Ashley Road School
Primary and Intermediate Schools Sports Fund	General use in relation to sport
John M Robertson Memorial Prize Fund	For prize to best pupil in commercial subjects at Aberdeen Grammar School
35.9% of the Rose Hip Fund	To be used at the discretion of the officer appointed by Aberdeen City Council for the purpose
Miss H Shepherd Bequest	For annual award to the head boy and head girl at Torry Academy
Miss M S Smith Prize Fund	For prize or prizes for proficiency in art or handicrafts at Ashley Road School
St Fittick (Aberdeen) Rotary Club Prize	For prizes to pupils at Torry Secondary School
Spastics Association Fund	For the benefit of handicapped students at Aberdeen Technical College
Mary Thomson Scottish Poetry Prize	For the three best reciters of a Scottish poem at Cults Primary School, Cults Academy, Harlaw Academy and Rubislaw Academy
William C B Thomson Memorial Fund	For prizes in art at Northfield Secondary School
Jayne Cable Smart Bequest	Prize(s) to most promising pupil(s) in Music at Skene Square School

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PART II
MISCELLANEOUS ENDOWMENTS
TRANSFERRED TO ABERDEENSHIRE COUNCIL
RELATING TO FORMER BANFF AND BUCHAN DISTRICT

<i>Name of Endowment</i>	<i>Purpose</i>
Mrs Alice M Hastings Prize Fund	For prize for fifth year secondary pupils for Instrumental Musical ability and surplus for school purposes at Peterhead Academy
McKinnon Prize Fund	For prizes in Mathematics and Domestic Science to pupils at Peterhead Academy
Francis J Mitchell Prize Fund	For Nature Study prizes to pupils at Monquhitter School
Alexander Reid Prize Fund	For dux prize and/or prize in Chemistry at Peterhead Academy
Rosehearty Heritage Museum	For maintenance of articles in the museums
W B Sutherland Trust	Prizes for Peterhead Academy
A L West Fund	For prize in Navigation, Commercial or other modern subject
Mrs Sarah Sheriff Prize Fund	For prizes to pupils at Peterhead Academy
William Joiner Trophy	To provide an annual trophy (at the discretion of the Head Teacher) to pupils at Whitehills School
Agnes Bruce Prize	St Combs School
Agnes Bruce Prize	Fetterangus School
Mrs Joan Buchan Bequest	For prizes for Mintlaw Academy
G B Cruickshank Bequest	For prizes to pupils at Hatton (Cruden) School
Miss V Davie Bequest	For provision of the Allan Davie Prizes to pupils at Banff Academy
John A Dickie (Peterhead) Prize Fund	For prizes in essays at Peterhead Academy
George Roy Duthie Memorial Prize Fund	For prize to pupil most proficient in Mathematics at Fraserburgh Academy
John Walker Bequest	For the furtherance of educational purposes in schools in the New Deer area
Ramsay Keith Fund	For Westfield School for pupils with profound severe learning difficulties
RELATING TO FORMER GORDON DISTRICT	
H & R Addie Prize Fund	For prizes for pupils at Rhyndale School

<i>Name of Endowment</i>	<i>Purpose</i>
Miss Jean L A Baxter Prize Fund	For prize for best poem or short story in Braid Scots by pupils at Echt School
Andrew Cooper Prize Fund	For prize to pupil most proficient in handwriting at Chapel of Garioch School
Charles Durno Prize Fund	For prizes to dux of Oyne School
Barbara C Ferguson Prize Fund	For prizes to pupils at Daviot School
Irvine Prize Fund	For prizes to a boy and girl in senior class at Pitmedden School
William Kidd Prize Fund	For prizes to best first and second year pupils in the secondary Ellon Academy
Captain J H Loutit Bequest	For improvements to Belhelvie Community Centre hut and sports ground
Lumsden Prize Fund	For prizes to a boy and girl in the senior class at Tarves School
John S Marshall Bequest	For benefit of St Andrew's School, Inverurie
William Martin Prize Fund	For prize to pupils at Lumsden School
James Merson Trust	For general purposes of the Gordon Schools, Huntly
Mrs Jemima Murray Prize Fund	For prizes to pupils at Meldrum School
James Paton Trust Fund	For prizes and bursaries for pupils of Kintore School
Alfred Penny Prize Fund	For prize to sixth year pupil most proficient in Mathematics at Gordon Schools, Huntly
RELATING TO FORMER KINCARDINE AND DEESIDE DISTRICT	
Andrew Cooper History Prize Fund	For prize to pupil most outstanding in History at Mackie Academy
Luthermuir School Centenary (Gala Week) Prize	For the best two pieces of Creative Writing (poetry or prose), one piece to be on a Scottish or local theme
Robert and Jenny T Watson Trust Fund	For purchase of library/reference books for Portlethen School
Alex Jenkins Trust	For purchase of library materials for Arduthie Primary School
Constance Wilson Bequest	To be used for the benefit of Carronhill School
GENERAL	
46.8% of the Rose Hip Fund	To be used at the discretion of the officer appointed by Aberdeenshire Council for the purpose

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PART III

MISCELLANEOUS ENDOWMENTS TRANSFERRED TO MAORAY COUNCIL

<i>Name of Endowment</i>	<i>Purpose</i>
Keith Field Club	For various purposes to be decided by Chairman of Education Committee, Director of Education and Rector of Keith Grammar School
E Moconachie Bequest	For prize in Music to pupils at Keith Grammar School
Mrs Christina Strathdee Fund	For prizes at Speyside High School, Aberlour
Miss Charlotte Thomson Prize Fund	Keith Grammar School— Prize for Latin
Allan Prize Fund (Speymouth)	To provide a pocket bible for the boy and girl attending Garmouth School who in writing shall answer ten written questions taken from any of the four Gospels from the shorter Catechism
Miss E S G Anderson Bequest	For prizes to pupils at Mosstowie School
Australian Delegation Prize	For essay prize to Elgin Schools
Alexander Cameron Prize Fund	For prizes to pupils attending Dallas School
Miss C Cameron Bequest	For dux medal or prizes to pupils at Hopeman School
R Innes Cameron Prize Fund	For book prizes to pupils at Hopeman School
A G Cook Bequest	For “Kennedy Prizes” to pupils attending Elgin Academy and Lossiemouth High School
William Gall Fund (Drainie)	For prizes for Religious Instruction to pupils attending Lossiemouth High School
William Gall Fund (Elgin)	For prizes for Religious Instruction to pupils attending Elgin Burgh Schools
George Geddes Bequest	For prizes to pupils attending Garmouth School
Florence Gillies Foundation Trust	For prizes for pupils of Speyside High School
Mrs Rachel Gordon Bequest	For prizes to be called “Ex Provost Alexander Gordon’s Prize” for Rothes Secondary School
Pamela Simpson Grant Prize	For prizes to pupils attending Garmouth School
Miss M B Hutcheson Bequest	For annual Christmas treat to children attending Bogmoor School
Elizabeth May Jack Prize Fund	For prize in music in the secondary department of Rothes School
Mrs Jeannie Jackson Bequest	For the “Elsie Annand Taylor Prize” in English and German at Milne’s High School

<i>Name of Endowment</i>	<i>Purpose</i>
Ronald A Knox Bursary	For prizes to pupils at Elgin Academy to be known as “The Alexander Knox (Burghead) Award” and “The William Forsyth Award”
J Ramsay MacDonald Prize Fund	For dux medal and prizes to each of the Lossiemouth and Drainie Schools
Miss P I MacDonald Prize Fund	For English Prize at Rothes School
D MacDonald Prize Fund	For prize to best pupil in French at Tomintoul Schools
Mrs Louisa McDonald Bequest	Capital and income to be applied for such purposes as will be for the benefit of pupils of Rothes Junior Secondary School
Miss Margaret McFarlane Dux Prize Fund	For dux prize at New Elgin Primary School
Rev John Mair Bequest	For prizes for Bible Knowledge to pupils at Bishopmill School
Donald Manson (Edinkillie) Fund	For bursaries of children of Edinkillie
Donald Manson (Forres Burgh) Fund	For bursaries to children at Forres
William Melvin Fund	For provision of the Wood Melvin Reward for Merit for Science Studies at Elgin Academy
George Pirie Dux Fund	For dux prize to the third year Forres Academy
John Pringle Bequest	For assistance to students at Aberdeen University from Elgin Academy
William Ramsay Bequest	For prizes to scholars attending New Elgin
Brig Gen Robb Dux Medal Prize Fund	For dux medal at Rothes School
17.3% of the Rose Hip Fund	To be used at the discretion of the officer appointed by Moray Council for the purpose
Russell Fund	To go towards the equipment of a school library called “The Russell Library” and for an annual prize to the best boy or girl for attainment in practical subjects at Dyke Primary School
Andrew Smith Bursary Fund	Bursaries for Forres Burgh
Mrs Margaret Stephen Bequest	For prizes to pupils at Elgin Girls Technical School
John E Sutherland Bequest	For gold medal to the dux of Class V at Elgin Academy
Mrs Helen Clark Thomson Bequest	For Christmas treat to pupils at Bogmoor School (with powers to expend capital)
Tulloch Pirie Memorial Prize Fund	For dux prize to Forres Primary School
Continuation Class Exhibition Fund	For benefit of Continuation Class at Keith Grammar School

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<i>Name of Endowment</i>	<i>Purpose</i>
Vass Bequest	For clothing for six indigent boys and girls in the Parish of Dyke
Mrs Isabella P L Watson Bequest	For the benefit of Archiestown School (with power to expend capital)

SCHEDULE 2

Paragraph 8

AMENDMENTS OF BANFFSHIRE EDUCATIONAL TRUST SCHEME 1976

1. The Banffshire Educational Trust Scheme 1976⁽⁹⁾ shall be amended in accordance with this Schedule.
2. Subject to the following paragraphs, for the word “Council”, wherever it appears in the Scheme, substitute “governing body”.
3. In paragraph 2(1)—
 - (a) delete the definitions of “Council” and “Education Committee”; and
 - (b) insert after the definition of “County” the following definition:—

““governing body” means the Governors of the Banffshire Educational Trust established and incorporated by paragraph 5;”.
4. For Part II and paragraphs 7 to 9 in Part III substitute—

“PART II

FUNDS OF THE TRUST

Endowments vested in the governing body

3. The endowment of the Banffshire Educational Trust (comprising the endowments listed in Parts I and II of Schedule 1 and any additional donations received since 22 January 1976), having been transferred from Grampian Regional Council to the governing body and vested in them on 1 April 1996 by paragraph 8 of the Educational Endowments (Grampian Region) Transfer Scheme 1996, shall remain vested in the governing body and be held, administered and applied by them exclusively in accordance with the provisions of this Scheme.

Annual payments into the Trust

4.—(1) The endowments listed in Part III of Schedule 1 shall remain vested in their respective Trustees.

(2) The said Trustees shall continue to pay each year to the governing body the sum shown in column (3) opposite the name of the respective Trustees shown in column (2) all of Schedule 2. The sums so paid shall form part of the income of the Trust.

⁽⁹⁾ S.I. 1976/93.

PART IIA

CONSTITUTION OF THE GOVERNING BODY

Establishment and incorporation of the governing body

5.—(1) For the purpose of carrying this scheme into effect there shall be established a Joint Board of Aberdeenshire and Moray Councils, to be known as “The Governors of the Banffshire Educational Trust”, which as from 1 April 1996 shall be the governing body of the Banffshire Educational Trust as successor to Grampian Regional Council in accordance with paragraph 8 of the Educational Endowments (Grampian Region) Transfer Scheme 1996.

(2) The Governors of the Banffshire Educational Trust shall be a body corporate and have a common seal, and shall have all rights, powers and privileges of a body corporate.

Composition of the governing body

5A. The governing body shall consist of—

- (a) three persons to be elected by Aberdeenshire Council being members of that Council; and
- (b) three persons to be elected by Moray Council being members of that Council.

Election of governors

5B. The election of governors under paragraph 5A may be by the relevant Council themselves or may be delegated to a committee of that Council.

Period of office

5C.—(1) Subject to paragraph 5D, each governor shall hold office until the 30th June following the next ordinary election of councillors of the Council which elected him to the governing body.

(2) Where in such an ordinary election a governor is not re-elected as a councillor that shall not prevent his continuing to hold office as governor until 30th June in accordance with sub-paragraph (1).

Resignations etc

5D.—(1) Save as provided by paragraph 5C(2), any governor shall be deemed to have vacated office as governor on ceasing to be a member of the Council which elected him.

(2) Any governor who intimates in writing his resignation of office, or who has had his estate sequestrated or has made a trust deed for creditors or who becomes incapacitated to act, or who for the period of one year and without reasonable cause fails to attend any meeting of the governing body, shall be held to have vacated office.

Re-election

5E. Any governor on the expiry of his period of office shall, subject to the provisions of paragraph 5D, be eligible for further election to the office of governor.

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Vacancies

5F.—(1) Every vacancy whether occasioned by the expiry of a term of office as a governor, or by resignation or any other cause, shall be entered in the minute book.

(2) Each vacancy shall be intimated by the clerk of the governing body to the Council entitled to elect a successor. In the case of a vacancy caused by the expiry of the normal term of office, the intimation shall be made not less than one month before the date of the vacancy and in any other case as soon as may be after its occurrence. The intimation shall request the Council concerned to elect a successor within three months of its receipt.

(3) If the Council entitled to elect a governor fails to do so within the said period of three months, it shall be in the power of the governing body to appoint a successor provided that the person appointed shall be a person eligible to be elected by the said Council. Any appointment under this sub-paragraph shall be deemed to be an election by the Council entitled to make the election.

Validity of proceedings of the governing body

5G. The proceedings of the governing body shall not be invalidated by any vacancy among the governors or by any defect in the election of any of the governors, subject always to the provisions of paragraph 8.

Execution of deeds

5H. All deeds and other writings, sealed with the common seal and signed by one of the governors, shall be held to be validly executed on behalf of the governing body.

Transitional arrangements

5I.—(1) The terms of office of the governors who are first elected under this Part of the Scheme shall be deemed to have begun on 1st April 1996.

(2) Aberdeenshire and Moray Councils shall use their powers of election under paragraph 5A so as to ensure that the membership of the governing body is complete as soon as practicable after 1st April 1996.

(3) Aberdeenshire and Moray Councils shall arrange for the first meeting of the governing body to be held as soon as practicable after 1st April 1996.

Chairman

5J. The governing body shall appoint a chairman from their own number at an ordinary meeting held at such period of the year as they may determine. They may make such arrangements under paragraph 9 of this scheme as they think fit for filling his place in the case of his absence.

Committees

5K.—(1) The governing body may appoint such committees of their own number as they think fit, appoint the convener of each committee, confer on each committee all such powers and give all such instructions as may appear expedient and fix the quorum of each committee.

(2) The governing body may appoint as additional members of any committee persons not being members of the governing body whom they deem specially fitted to assist in the

work of such committee and any persons so appointed shall hold office for such period as the governing body may determine.

PART III

ADMINISTRATIVE ARRANGEMENTS

Administrative staff

6.—(1) The governing body may appoint a clerk or factor or such other officers as they consider necessary, at such reasonable salaries and under such conditions of service as they may determine.

(2) Any officer of the governing body whose duties include intrusions with the funds vested in the governing body shall find such caution for his intrusions as the governing body may require.

(3) A governor acting as clerk, factor or other officer of the Trust shall not be entitled to any remuneration.

Meetings of the governing body

7.—(1) The governing body shall hold at least two ordinary meetings in each year at such place and time as they may determine.

(2) The chairman may at any time convene a special meeting of the governing body.

(3) Any two governors may for any cause which seems to them sufficient require a special meeting to be convened by giving notice in writing to the clerk of the governing body specifying the business to be transacted.

(4) At least seven days' notice of meetings shall be given and such notice, which shall be in writing, shall specify the date, time and place of the meeting and the business to be transacted.

(5) Notwithstanding the provisions of sub-paragraph (4) above, the chairman or any governor duly authorised by the chairman may convene a meeting on less than seven days' notice. No resolution or motion carried at such a meeting shall be valid unless it is voted for by a majority of the governors then in office or it is confirmed by a subsequent meeting convened under the provisions of sub-paragraph (4) above.

Quorum of the governing body

8.—(1) At all meetings of the governing body three shall form a quorum and, subject to the provisions of paragraph 7(5), all questions shall be determined by a majority of the governors present. In any case where there is an equality of votes, the chairman of any meeting shall have a second or casting vote in addition to a deliberative vote.

(2) If at any time appointed for a meeting or if before the business of any meeting has been completed the number of governors present is less than three, the governors present shall adjourn the meeting to such day or time as they may determine and the provisions of paragraph 7(4) shall apply.

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

Rules and standing orders

9. Subject to the provisions of this scheme, the governing body may make such rules and standing orders for the regulation of their proceedings, the keeping of records and such other matters connected with the business of the governing body as they think fit.”
5. In paragraph 21(6), delete the words “Council as”.
6. In paragraph 33, delete the words “Council as”.
7. In paragraph 42, for the words “the Council and of the Education Committee” substitute “Aberdeenshire and Moray Councils”.

SCHEDULE 3

Paragraph 9

AMENDMENTS OF GOVERNING INSTRUMENTS

Robb’s Trust Scheme 1934

- 1.—(1) Robb’s Trust Scheme 1934(10) shall be amended in accordance with this paragraph.
- (2) In section 2—
- (a) in subsection (1), for “the County Council of Aberdeen” substitute “Aberdeenshire Council”; and
- (b) in substitution (2), for “the Town Council of Aberdeen” substitute “Aberdeen City Council”.
- (3) In section 4, for “the Town Council or County Council” substitute “Aberdeenshire or Aberdeen City Council”.
- (4) In section 22(1), for “the County Council of Aberdeen” substitute “Aberdeenshire Council”.

Moray and Nairn Educational Trust Scheme 1935

- 2.—(1) The Moray and Nairn Educational Trust Scheme 1935(11) shall be amended in accordance with this paragraph.
- (2) For the words “the Joint County Council”, wherever they appear in the Scheme, substitute “the Council”.
- (3) For section 5, substitute—
- “5. The business of the endowment may be conducted by the Council themselves or any or all of that business may be delegated to a committee of the Council.”
- (4) In section 39, for the definition of “The Joint County Council” substitute—
- ““the Council” means Moray Council as constituted under section 2 of the Local Government (Scotland) Act 1994(12);”.

Sharpe’s Trust Scheme 1955

- 3.—(1) Sharpe’s Trust Scheme 1955(13) shall be amended in accordance with this paragraph.

(10) Approved by Order in Council dated 21st February 1935.

(11) Approved by Order in Council dated 8th June 1937, amended by S.I. 1982/73.

(12) 1994 c. 39.

(13) Approved by Order in Council dated 14th September 1955.

- (2) In section 3—
- (a) in the heading, delete the word “County”;
 - (b) for subsections (2) and (3) substitute—

“(2) Aberdeenshire Council and Moray Council shall each appoint a member of the Council to be a trustee. Each such appointment shall be made within three months after each ordinary election of councillors or after a vacancy occurs. Each such trustee shall hold office until the next ordinary election of councillors or until he ceases to be a councillor if earlier and shall be deemed to have been assumed as a trustee under the deed. During his period of office he shall have the same powers, duties, privileges and liabilities as the other trustees acting thereunder.

(3) The appointment of each such trustee may be made by the Council themselves or may be delegated to a committee of the Council.”; and
 - (c) delete subsection (4).
- (3) In section 9(2)—
- (a) delete “County”; and
 - (b) for “Director of Education” substitute “proper officer”.

The Aberdeenshire Educational Trust Scheme 1955

4.—(1) The Aberdeenshire Educational Trust Scheme 1955(14) shall be amended in accordance with this paragraph.

(2) For the words “the County Council”, wherever they appear in the Scheme, substitute “the Council”.

- (3) In section 1(1)—
- (a) for the definition of “The County” substitute—

““The County” means the area of the former County of Aberdeen and the burghs situated therein, but excluding the area of the former County of the City of Aberdeen, as those areas existed immediately before 16th May 1975;”;
 - (b) for the definition of “The County Council” substitute—

““The Council” means Aberdeenshire Council acting as governing body of the Aberdeenshire Educational Trust;”.
- (4) In section 4—
- (a) For subsection (1) substitute—

“(1) Subject to subsection (3), the business of the endowment may be conducted by the Council themselves or any or all of that business may be delegated to a committee of the Council.”;
 - (b) delete subsection (2); and
 - (c) in subsection (3), for the first reference to “the Education Committee” substitute “the Council” and for the subsequent references to “the Education Committee” substitute “the Council, or any committee of the Council to which the business is delegated”.

(14) Approved by Order in Council dated 24th April 1956, amended by S.I. 1967/584.

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

Kincardineshire Educational Trust Scheme 1962

5.—(1) The Kincardineshire Educational Trust Scheme 1962(**15**) shall be amended in accordance with this paragraph.

(2) For the words “the County Council”, wherever they appear in the Scheme, substitute “the Council”.

(3) In section 2—

(a) in subsection (2), delete paragraphs (b) and (c);

(b) in subsection (3)—

(i) for paragraph (a) substitute—

“(a) six persons elected by the Council from among the members of the Council representing electoral wards lying wholly or partly within the County;”;

(ii) delete paragraph (b); and

(iii) in paragraph (f), for “Kincardine” substitute “Aberdeenshire” and at the end add “who live or work in the County.”.

(4) For section 4(1) substitute—

“(1) The election of governors from the Council may be by the Council themselves or may be delegated to a committee of the Council.”.

(5) In section 5—

(a) for subsection (1) substitute—

“(1) each governor elected by the Council shall hold office until the next ordinary election of councillors;”;

(b) delete subsection (2).

(6) In section 12(1) and at both places in section 12(2), for “five” substitute “four”.

(7) In section 20(4) and (6), for “County Council of Aberdeenshire” substitute “Council”.

(8) In section 50(1)—

(a) for the definition of “County” substitute—

““County” means the area of the former County of Kincardine and the burghs situated therein, as that area existed immediately before 16th May 1975;”;

(b) for the definition of “County Council” substitute—

““Council” means Aberdeenshire Council;”;

(c) delete the definition of “electoral area”.

Dick Bequest Trust Scheme 1979

6.—(1) The Dick Bequest Trust Scheme 1979(**16**) shall be amended in accordance with this paragraph.

(2) In section 2(1), for the definition of “area of benefit” substitute—

““area of benefit” means the area comprising—

(a) the local government area of Aberdeenshire excluding the area of the former County of Kincardine;

(15) Approved by the Kincardineshire Educational Trust Scheme 1962, Order in Council 1963 (S.I. 1963/373).

(16) S.I. 1979/82.

- (b) the local government area of Moray; and
 - (c) those parts of the former County of Moray lying within the local government area of Highland and the former parishes of Abernethy and Duthill;”.
- (3) For section 4(c) substitute—
- “(c) one person of experience in education to be elected by Moray Council, residing in the area of that Council;
 - (d) two persons of experience in education to be elected by Aberdeenshire Council, of whom one shall reside in the former Banff and Buchan District and one in the former Gordon District.”.
- (4) In section 24, for the words “to the Grampian Regional Council and to the Highland Regional Council” substitute “to Aberdeenshire, Moray and Highland Councils”.

Scheme for the administration of the legacy of Robert Nicol

7.—(1) The Scheme for the administration of the legacy of Robert Nicol(17) shall be amended in accordance with this paragraph.

(2) In clause 2, for “four” substitute “three” and for “one” substitute “two”.

(3) In clause 3, delete “The Chairman of the Education Committee of Grampian Regional Council”.

(4) In clause 3A, for the first sentence substitute—

“One nominative trustee shall be appointed by Aberdeenshire Council and the other by Aberdeen City Council.”.

(5) After clause 29 add the following clause:—

“30. In this Scheme, any reference to the City or County of Aberdeen is to the area comprised in the former City or the former County of Aberdeen immediately before 16th May 1975.”.

City of Aberdeen Educational Endowments Scheme 1985

8.—(1) The City of Aberdeen Educational Endowments Scheme 1985(18) shall be amended in accordance with this paragraph.

(2) Subject to sub-paragraph (8), for the words “Grampian Regional Council”, wherever they appear in the Scheme, substitute “Aberdeen City Council”.

(3) For section 1(2)(a) substitute—

“(a) three persons to be elected by Aberdeen City Council;”.

(4) In section 2(2)—

(a) in paragraph (a), for “Convener of Grampian Regional Council” substitute “Lord Provost of Aberdeen City Council”;

(b) in paragraph (b), for sub-paragraph (i) substitute—

“(i) three persons to be elected by Aberdeen City Council;”.

(5) For section 3 substitute—

(17) The amendments are to the text of the Scheme as amended by sealed Order of the Charity Commissioners on 10th October 1984.

(18) Approved by the Court of Session on 17th December 1985, amended by the City of Aberdeen Educational Endowments (Amendment) Schemes 1988 and 1991.

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

“3 Aberdeen City Council

3. Aberdeen City Council shall be the governing body for the purposes of executing the functions set forth in Part VI.”.

(6) In section 4—

(a) for subsection (1) substitute—

“(1) The elections of trustees under paragraph (a) of subsection (2) of section 1 and of governors under paragraph (b)(i) of subsection (2) of section 2 may be by Aberdeen City Council themselves or any or all such elections may be delegated to a committee of the Council.”;

(b) in subsection (2), for “Director of Law and Administration” substitute “proper officer”;

(c) in subsection (3), for “Director of Law and Administration” and “Director” substitute in each case “proper officer”.

(7) In section 6, delete the words from “provided that” to the end.

(8) For section 12 substitute—

“12 Vesting of funds in Aberdeen City Council

12. The endowments referred to in sections 62 and 63, which were vested in the Corporation of the City of Aberdeen, then in Grampian Regional Council as statutory successors to that Corporation, and which are now vested in Aberdeen City Council (by virtue of paragraph 3(1) (a) of the Educational Endowments (Grampian Region) Transfer Scheme 1996) shall remain vested in Aberdeen City Council and shall continue to be held by them as separate funds which shall be administered and applied exclusively in accordance with the conditions and provisions of this Scheme. The fund formerly known as the Grampian Regional Council Prize Fund shall be known as the Aberdeen City Council Prize Fund.”.

(9) For section 20 substitute—

“20 Business arrangements of Aberdeen City Council

20. The business of Aberdeen City Council under sections 62 and 63 may be conducted by the Council themselves or any or all of that business may be delegated to a committee of the Council.”.

(10) In section 25(iv), for “Grampian Regional Council superannuation fund” substitute “the fund established by regulations under section 7 of the Superannuation Act 1972⁽¹⁹⁾ applicable to former employees of the Trust”.

(11) In section 64(2), for “Director of Education” substitute “proper officer with responsibility for education”.

(12) In the Third Schedule—

(a) in the entry relating to Summerhill Academy Bursary, in column (2), for “City of Aberdeen District area” substitute “area of the former Aberdeen District as it existed immediately before 1st April 1996”; and

(b) in the entry relating to Secondary School Bursaries for Boys and Girls, in column (2), for “Grampian Region” substitute “area of the former Grampian Region as it existed immediately before 1st April 1996”.

(19) 1972 c. 11.

Oakbank School Trust Scheme 1988

9.—(1) The Oakbank School Trust Scheme 1988⁽²⁰⁾ shall be amended in accordance with this paragraph.

(2) For section 2(1) substitute—

“(1) Nine persons to be elected by Aberdeen City Council, of whom not fewer than five shall be experienced in education and not fewer than four shall be experienced in social work;”.

(3) For section 3(3) substitute—

“(3) The election of governors by Aberdeen City Council may be by the Council themselves or may be delegated to any extent to a committee or committees of the Council.”.

(4) For section 4 substitute—

“**4.** Governors shall, subject to section 5 of this Scheme, hold office until 30th June following the next ordinary election of councillors of Aberdeen City Council.”.

(5) Delete section 5(1).

The Grampian Regional Council Milne’s Institution Trust Scheme 1991

10.—(1) The Grampian Regional Council Milne’s Institution Trust Scheme 1991⁽²¹⁾ shall be amended in accordance with this paragraph.

(2) For the words “Regional Council”, wherever they appear in the Scheme, substitute “Council”.

(3) For section 2 substitute—

“**2.** The business of the endowment may be conducted by the Council themselves or any or all of that business may be delegated to a committee of the Council.”.

(4) In section 15—

(a) after the definition of “commencement date” insert the following definition:—

““Council” means Moray Council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 acting as governing body of Milne’s Institution Trust;” and

(b) delete the definition of “Regional Council”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes a Scheme for the transfer of interests in educational endowments from Grampian Regional Council and the district councils within Grampian Region, namely Aberdeen, Banff and Buchan, Gordon, Kincardine and Deeside and Moray District Councils to the new unitary Aberdeen

⁽²⁰⁾ Approved by Decree of the Court of Session in the Petition of the Governors of the Oakbank School Trust for Approval of a Scheme, dated 20th December 1988.

⁽²¹⁾ Made on 5th July 1991.

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

City, Aberdeenshire and Moray Councils established under the Local Government etc. (Scotland) Act 1994.

The transfer takes effect on 1st April 1996, the day when the new unitary councils take up their functions and the existing regional and district councils cease to exist.

Educational endowments are defined in section 122 of the Education (Scotland) Act 1980. Essentially they are property, heritable or moveable, dedicated to charitable educational purposes. Regional councils as education authorities are most likely to have an interest in them but district councils may also have such an interest.

Paragraphs 3, 4 and 5, of the Scheme, with Schedule 1, provide for the transfer of specific educational endowments, powers with respect to such endowments, and where appropriate rights to payment of money out of endowments, from Grampian Regional Council to Aberdeen City Council, Aberdeenshire Council and Moray Council respectively.

Paragraph 6 makes general provision for transfer of any interests in educational endowments, vested in Grampian Regional Council or their office-holders or nominees, which may not have been caught by the specific provisions of paragraphs 3, 4 and 5. The general provision is, however, subject also to any specific amendments of governing instruments by Schedules 2 and 3. Paragraph 6 transfers interests to the new council (or their office-holders or nominees) for the area where the educational establishment to which the endowment relates is situated, or where it does not relate to a particular establishment to the council for the area in which the beneficiaries reside or with which they are required to have a connection. Where these rules do not apply or do not indicate a single council, the interest is transferred to the council for the area with which the endowment is most closely connected.

Paragraph 7 makes general provision for transfer of any interests in educational endowments of the district councils (or their office-holders or nominees) to the new councils which take over responsibility from their areas. Again this is subject to Schedules 2 and 3.

Paragraph 8 with Schedule 2 provides for transfer of Grampian Regional Council's interests in the Banffshire Educational Trust. In place of Grampian Regional Council a new governing body is constituted, which is a Joint Board of Aberdeenshire and Moray Councils. The endowments comprised in the Banffshire Educational Trust and relevant powers and rights are transferred to the new governing body.

Paragraph 9 with Schedule 3 provides for amendments of the governing instruments of educational endowments consequential on local government reorganisation and on the provisions of the Scheme.

Paragraph 10 makes consequential provision for references in governing instruments of educational endowments to local authorities or persons in whom endowments, power or rights were formerly vested to be construed as references to the Councils or person in whom they are vested under the Scheme.

Paragraph 11 makes provision for termination of appointments to governing bodies made by existing local authorities.

Copies of governing instruments specifically referred to in this Order are available from the Student Awards Agency for Scotland, Gyleview House, 3 Redheughs Rigg, Edinburgh, EH12 9HH.