

**CHAPTER viii.**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the School Board of Perth. A.D. 1917.
[24th May 1917.]

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.
c. 47.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.
2. This Act may be cited as the Perth School Board Order Confirmation Act 1917. Short title.

A.D. 1917.

SCHEDULE.

PERTH SCHOOL BOARD.

Provisional Order to confer on the School Board of Perth additional powers with regard to Sharp's Institution Perth to authorise the transfer to the School Board of Perth of the assets of the Perth Educational Trust to provide for the future administration thereof and for other purposes.

WHEREAS certain funds and estates were bequeathed by the late John Sharp of Perth for educational purposes and were in part employed by his testamentary trustees in founding the school known as Sharp's Institution Perth and a further endowment for educational purposes was settled by the testamentary trustees of the late James Duncan of Perth:

And whereas by a scheme (hereinafter referred to as "the Order of 1889") made by the Commissioners appointed under the provisions of the Educational Endowments (Scotland) Act 1882 in virtue of the powers conferred upon them by the said Act and approved by an Order in Council on the twenty-eighth day of November one thousand eight hundred and eighty-nine the said endowments were amalgamated and a governing body was incorporated under the name of the "Perth Educational Trust" (hereinafter referred to as "the Trust") for the administration thereof and the whole rights funds and estates heritable and moveable belonging to the said endowments or vested in the governing bodies thereof were transferred to and vested in the governing body constituted by the said Order to be held and administered for the purposes with the powers and under the conditions and provisions therein set forth:

And whereas the governors of the Trust in virtue of the powers conferred upon them by the Education (Scotland) Act 1908 section 29 resolved to transfer the management of Sharp's Institution Perth together with the school buildings and the sum set apart for the repair thereof under section 36 of the said scheme and also the revenue of the school from endowments (after meeting the primary purposes of the Order of 1889) to the school board of the burgh of Perth the said transfer to

take effect as from thirty-first July one thousand nine hundred and ten which resolution was duly confirmed in terms of the said Act :

And whereas the said school board resolved to accept the said transfer and to make good any deficiency of the revenue of the said institution as managed by them from the school fund and the Trust by disposition dated third August and recorded in the Perth Burgh Register of Sasines fifth September both in the year one thousand nine hundred and eleven assigned and disposed to the said school board the subjects lying on the east side of Methven Street in the burgh and county of Perth known as Sharp's Institution Perth with the school and other buildings and erections thereon and playground and other pertinents of the same (hereinafter called "Sharp's Institution") with entry as at first August one thousand nine hundred and ten :

And whereas by an Order under the provisions of the Education (Scotland) Act 1908 section 29 dated nineteenth June one thousand nine hundred and twelve (hereinafter referred to as "the Order of 1912") the Scotch Education Department made provision for giving effect to the said transfer of Sharp's Institution :

And whereas prior to the said transfer the school board of the burgh of Perth administered a higher class public school called Perth Academy and by scheme under the Education (Scotland) Act 1872 section 22 and the Education (Scotland) Act 1908 section 29 prepared by the said school board and approved by the Scotch Education Department on twelfth April one thousand nine hundred and eleven (hereinafter referred to as "the scheme of 1911") the said school board in order to render the management of secondary and intermediate education within their district homogeneous and to prevent the overlapping which had previously taken place in regard to the same committed the direct management of Perth Academy and Sharp's Institution to a committee of management to be appointed as therein set forth :

And whereas by an Order (hereinafter referred to as "the Order of 1913") made by the Scotch Education Department on the ninth day of January one thousand nine hundred and thirteen in virtue of the powers conferred upon them by the Education (Scotland) Act 1908 section 22 subsection (1) it was

A.D. 1917. — ordered that the district of the school board of the burgh of Perth should from and after the twenty-first day of April one thousand nine hundred and fourteen be united with the district of the school board of the east parish of Perth (Landward) so as for all purposes to constitute a district under one school board and it was provided that the said school board should cease to exist and that there should be established in their room for the districts united as aforesaid one school board to be called the School Board of Perth (hereinafter referred to as "the School Board") and the whole property heritable and moveable real and personal including any funds held in trust belonging to the said school boards of the burgh of Perth and of the east parish of Perth (Landward) was transferred to and vested in the School Board in property or in trust as the case might be:

And whereas in the interests of educational efficiency and economy it is expedient that the whole secondary education provided by the School Board should as far as possible be centralised in one institution and in accordance with the demands of the Scotch Education Department the School Board having already acquired a site propose subject to the approval of the Scotch Education Department and of the Treasury to erect a new building for that purpose capable of accommodating all the pupils presently attending Perth Academy and Sharp's Institution and pending the erection of the said building it is desirable that the classes hitherto carried on separately in Perth Academy and Sharp's Institution should be combined and carried on in Perth Academy and Sharp's Institution or such other building as the School Board may determine:

And whereas it is accordingly expedient that the School Board should be authorised to cease to maintain Sharp's Institution as an intermediate or secondary school and should be authorised to utilise the said institution and any heritable subjects acquired in place thereof for any educational purpose whatever and should be empowered to sell by public sale or private bargain excamb or let the same or the site thereof or to sub-feu the site thereof and to apply the proceeds of such sale let or sub-feu or ground acquired by excambion in manner hereinafter provided:

And whereas Sharp's Institution will upon the passing of the Act confirming this Order cease to exist as a separate intermediate or secondary school and will be incorporated with Perth Academy and the necessity will no longer exist for the committee

of management appointed in terms of section 22 of the Education (Scotland) Act 1872 and section 29 of the Education (Scotland) Act 1908 and the scheme of 1911 should accordingly be repealed and the rights of the said committee of management should be transferred to the School Board: A.D. 1917.

And whereas the governors of the Trust are willing on this Order being confirmed to transfer to the School Board the remaining assets held by the Trust:

And whereas it is expedient that provision should be made therefor and for the control and management of the said assets by the School Board:

And whereas it is expedient that the Order of 1889 and the Order of 1912 should be repealed:

And whereas it is expedient that the other powers in this Order contained should be conferred upon the School Board:

And whereas the purposes aforesaid cannot be effected without an order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

1. This Order may be cited for all purposes as the Perth School Board Order 1917. Short title.

2. In this Order the several words and expressions following have the meanings hereinafter assigned to them unless such meaning is inconsistent with the context that is to say:— Interpretation.

“The School Board” means the School Board of Perth;

“The Trust” means the Perth Educational Trust incorporated by a scheme under the Educational Endowments (Scotland) Act 1882 approved by Order in Council on twenty-eighth November one thousand eight hundred and eighty-nine;

“The governors” means the governing body of the Trust appointed in terms of section 3 of the said scheme;

“Sharp’s Institution” means the school buildings known as Sharp’s Institution Perth situated on the east side of Methven Street in the burgh and county of Perth together with the whole fittings and fixtures thereof and the playground and other pertinents of the same;

A.D. 1917.

“Perth Academy” means the school known as Perth Academy situated in Rose Terrace in the burgh and county of Perth and any extension thereof and any school to be hereafter erected by the School Board in substitution therefor;

“Sharp’s Trust Funds” means the whole assets of the Trust other than Sharp’s Institution as set out in the First Schedule annexed to this Order;

“The scheme of 1911” means the scheme prepared by the school board of the burgh of Perth and approved by the Scotch Education Department on twelfth April one thousand nine hundred and eleven;

“The Order of 1889” means the scheme made by the Commissioners appointed under the provisions of the Educational Endowments (Scotland) Act 1882 and approved by Order in Council on twenty-eighth November one thousand eight hundred and eighty-nine;

“The Order of 1912” means the Order made by the Scotch Education Department dated nineteenth June one thousand nine hundred and twelve under the provisions of the Education (Scotland) Act 1908 section 29.

Utilisation
of Sharp’s
Institution.

3. Notwithstanding the terms of section 29 of the Education (Scotland) Act 1908 or of the Order of 1889 the School Board shall subject to the approval of the Scotch Education Department cease to use and maintain Sharp’s Institution as an intermediate or secondary school and thereupon may—

- (1) Utilise the said institution with the furniture furnishings and equipment thereof for any educational purpose whatever;
- (2) Sell excamb or let the said institution and the site thereof or sub-feu the said site;
- (3) Utilise the proceeds of such sale let or sub-feu or any heritable subjects acquired by them in the exercise of the powers contained in subsection (2) of this section for any educational purpose whatever.

Transfer of
endowments
and property.

4. The governors shall forthwith assign transfer and convey to the School Board Sharp’s Trust Funds together with all the title deeds securities books papers plans and other documents belonging thereto.

5. The whole actings of the governors and of the School Board in connection with the transfer of Sharp's Institution to the school board of the burgh of Perth and the administration of the said school up to the date of the passing of the Act confirming this Order are hereby ratified and confirmed and upon the governors complying with the provisions of the immediately preceding section they shall be hereby exonerated and discharged of their office and of all their actings and intromissions and the Trust shall thereupon cease and determine.

A.D. 1917.
Discharge of
governors.

6. All liabilities and obligations incurred or undertaken by the governors and remaining undischarged at the date when in accordance with the provisions of this Order the governors are discharged of the Trust shall as at that date become the liabilities and obligations of the School Board. Provided that the School Board shall have the same rights and be entitled to the same privileges with reference to such liabilities as are or may be possessed by the governors.

Liabilities of
Trust.

7. Subject to the provisions of this Order and of the Second Schedule hereto annexed the School Board shall hold Sharp's Trust Funds (which shall be separately known under that name in the accounts and abstracts kept and published by the School Board) under the same conditions and obligations as to management accounting and otherwise as are by law imposed upon school boards with regard to any property and funds received by them in respect of the powers conferred upon them by the Education (Scotland) Acts and shall apply the revenue thereof after the payment of the expenses of management and the burdens and taxes affecting the said funds in providing foundations assisted education bursaries free books and stationery and for the purposes of higher education all under the provisions contained in the Second Schedule hereto annexed.

Management
and appli-
cation of
Sharp's
Trust Funds.

8.—(1) Any pupil at the commencement of this Order holding any foundation bursary or assistance for education under the Trust shall continue to hold the same subject to the conditions under which the same is held at the date of the passing of the Act confirming this Order.

Vested
interests.

(2) The School Board may dispense with the services of the clerk of the Trust and in that event shall grant such compensation if any as the Scotch Education Department think proper.

A.D. 1917.
Power to
apply to
Scotch
Education
Department
for altera-
tion.

9. It shall be in the power of the Scotch Education Department by Order upon application made to them by the School Board or any person interested to alter the provisions of the Second Schedule annexed to this Order in so far as these provisions relate to the number amount conditions of tenure or method of award of the foundations bursaries and benefits of assisted education therein mentioned.

Repeal of
scheme of
1911.

10. The scheme of 1911 is hereby repealed and the committee of management appointed in terms thereof shall cease to exist and the management of the secondary education formerly carried on in Perth Academy and Sharp's Institution and the whole rights of the said committee of management shall be vested in the School Board alone.

Repeal of
Orders of 1889
and 1912.

11. The Order of 1889 and the Order of 1912 are hereby repealed.

Costs of
Order.

12. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto and all costs charges and expenses incurred by the governors in connection with the same shall be paid by the School Board out of the school fund.

FIRST SCHEDULE.

Thirty-five pounds Four and one-half per centum War Stock 1925-45.

Two thousand pounds India Three and one-half per centum Stock.

Four hundred pounds Four per centum Debenture Stock of the Caledonian Railway Company.

One thousand six hundred pounds Four per centum Debenture Stock of the Caledonian Railway Company.

One thousand pounds Four per centum Debenture Stock of the Great Eastern Railway Company.

One thousand five hundred pounds Three per centum Debenture Stock of the Great Northern Railway Company.

Two thousand pounds Consolidated Two and one-half per centum Perpetual Guaranteed Preferential Stock of the Midland Railway Company.

A.D. 1917.
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Six hundred and fifty pounds Three per centum Perpetual Debenture Stock of the London and North Western Railway Company.

Two hundred and fifty pounds Three per centum Perpetual Debenture Stock of the London and North Western Railway Company.

Mortgage for two thousand five hundred pounds granted by the North British Railway Company and dated fifteenth May nineteen hundred and twelve falling due fifteenth May nineteen hundred and eighteen bearing interest at four per centum.

Two thousand two hundred and fifty pounds Three and one-quarter per centum Redeemable Debenture Stock of the City of Perth (1951).

Twelve pounds North British Railway Consolidated Preference Stock No. 1.

Bond for one thousand pounds and disposition in security granted by Alexander Lindsay merchant Temple Lane Dundee and Miss Mary Ann Lindsay residing at No. 3 Nelson Street Perth in favour of the late John Sharp's trustees over subjects known as Lindsay's Buildings St. Catherine's Road Perth dated thirteenth and recorded in the General Register of Sasines applicable to the county of Perth sixteenth both days of May one thousand eight hundred and eighty-one transferred to the Perth Educational Trust by the Order of 1889.

Bond for one thousand seven hundred pounds and disposition in security granted by John Rex timber merchant Leith in favour of Mrs. Mary Clark or Dudgeon executrix of John Dudgeon doctor of medicine over subjects No. 5 Mayfield Gardens Edinburgh dated fifteenth and recorded in the General Register of Sasines applicable to the county of Edinburgh sixteenth both days of November one thousand nine hundred and six and assigned to the Perth Educational Trust to the extent of one thousand five hundred pounds.

Bond for two thousand four hundred and eighty pounds and disposition in security granted by Charles Lyon Campbell of Williamston Madderty in favour of the trustees of the late Mrs. Ellen Caroline Macpherson Burns Macdonald then of Glencoe over the estate of Williamston dated tenth and recorded in the General Register of Sasines applicable to the county of Perth seventeenth both days of November one thousand eight hundred and ninety-eight and assigned to the Perth Educational Trust

The sum of eightpence sterling in the hands of the clerk to the Perth Educational Trust.

A.D. 1917.

SECOND SCHEDULE.

Foundations.

(1) The School Board shall select and enter in the higher department of Perth Academy or any other higher grade school in Perth under the management of the School Board not more than twenty foundationers who may be boys or girls who have for at least six months previously been in attendance at a public or state-aided school in Perth and whose parents or guardians either are from want of means unable to provide higher education for their children or have died without leaving sufficient funds for that purpose. No child shall be admitted as a foundationer unless he or she satisfies the conditions of enrolment in the higher department of a secondary school as specified by the Scotch Education Department and the School Board shall in selecting the foundationers pay special regard to their previous records of attendance conduct and progress to the circumstances of their parents or guardians and to the results of any competitive examination which the School Board may decide to hold for the purpose of selecting the pupils best qualified to take advantage of the education to be given in the said department. The foundationers shall be called Sharp's Foundationers and shall receive free education in the higher department of the school at which they are entered with books and stationery for such period as the School Board may determine.

Assisted
education.

(2) The School Board shall have power to admit to the higher department of Perth Academy or of any other higher grade school in Perth at reduced fees the amount of reduction being in each case determined by reference to the circumstances of their parents or guardians such number of children as they shall see fit provided always that these children along with the foundationers do not exceed forty in all. In admitting such children the School Board shall take into consideration the circumstances of the parents or guardians and shall be satisfied that they require assistance to enable them to pay the full fees of the school and no child shall be so admitted unless the School Board shall have satisfied themselves that the child is qualified by the regulations of the Scotch Education Department to be enrolled in the higher department of a secondary school. No child shall be admitted to the benefits of this section unless he or she shall have been for at least six months previously in attendance at a public or state-aided school in Perth.

Bursaries
for higher
education.

(3) Notwithstanding the terms of section 30 of the Education (Scotland) Act 1908 the School Board shall apply an annual sum of not less than fifty pounds in awarding bursaries to be called the "Duncan Bursaries" which bursaries shall be awarded among pupils attending any public or state-aided school in Perth or its immediate neighbourhood whose parents or guardians require aid in giving them higher education

These bursaries shall be of the annual value of not less than five pounds nor more than ten pounds in addition to the fees payable by the bursar and shall be awarded by the School Board under such conditions and regulations as they may think best fitted to encourage pupils of promise to complete the curriculum satisfactorily. They shall be tenable at Perth Academy or any other higher grade school in Perth approved by the School Board for such period as the School Board may determine. A.D. 1917.

(4) The School Board may expend an annual sum not exceeding thirty pounds in establishing a bursary to be called the "Duncan Bursary". This bursary shall be awarded among the pupils attending Perth Academy after consideration of the whole school record of the candidates the circumstances of their parents or guardians and the results of any competitive examination which the School Board may decide to hold for the purpose of selecting the most deserving candidate and it shall be tenable for such period not exceeding four years as the School Board may determine at a university technical college or central institution to be approved by the School Board. University or technical school bursaries.

(5) The School Board shall apply the whole balance of the free income of Sharp's Trust Funds for higher education only and not for primary education. The books and stationery of foundationers and the fees of bursars appointed by the School Board shall be paid out of the said balance as a first charge. Application of residue.

(6) If in the judgment of the School Board the holder of any bursary or foundation or any free or assisted scholar shall be guilty of misconduct or fail to make reasonable progress they may withdraw such bursary foundation or free or assisted scholarship and their determination in such case shall be final and the holder of such bursary foundation free or assisted scholarship or the parent or guardian of such holder shall in that event have no claim whatever against the School Board. Forfeiture of bursaries.

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