

SCHEDULES

SCHEDULE 14

EDUCATIONAL CHARITIES AND ENDOWMENTS

Educational endowments

- 2 (1) This paragraph applies to an educational endowment—
- (a) to which section 104 of the Education (Scotland) Act 1980 applies, and
 - (b) which in any way restricts the benefit of the endowment to persons of one sex.
- (2) Sub-paragraph (3) applies if, on the application of the governing body of an educational endowment, the Scottish Ministers are satisfied that the removal or modification of the provision which restricts the benefit of the endowment to persons of one sex would be conducive to the advancement of education without sex discrimination.
- (3) The Scottish Ministers may by order make such provision as they think expedient for removing or modifying the restriction.
- (4) If the Scottish Ministers propose to make such an order they must publish a notice in such manner as they think sufficient for giving information to persons they think may be interested in the endowment—
- (a) containing particulars of the proposed order;
 - (b) stating that representations may be made with respect to the proposal within such period as is specified in the notice.
- (5) The period must be not less than one month beginning with the day after the date of publication of the notice.
- (6) The cost of publication is to be paid out of the funds of the endowment to which the notice relates.
- (7) Before making an order, the Scottish Ministers—
- (a) must consider representations made in accordance with the notice;
 - (b) may cause a local inquiry to be held into the representations under section 67 of the Education (Scotland) Act 1980.
- (8) A reference to an educational endowment includes a reference to—
- (a) a scheme made or approved for the endowment under Part 6 of the Education (Scotland) Act 1980;
 - (b) in the case of an endowment the governing body of which is entered in the Scottish Charity Register, a scheme approved for the endowment under section 39 or 40 of the Charities and Trustee Investment (Scotland) Act 2005 ([asp 10](#));
 - (c) an endowment which is, by virtue of section 108(1) of the Education (Scotland) Act 1980, treated as if it were an educational endowment (or

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which would, but for the disapplication of that section by section 122(4) of that Act, be so treated);

(d) a university endowment, the Carnegie Trust, a theological endowment and a new endowment.

(9) Expressions used in this paragraph and in Part 6 of the Education (Scotland) Act 1980 have the same meaning in this paragraph as in that Part.