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STATUTORY INSTRUMENTS

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1980 No. 589 (S. 53)

EDUCATION, SCOTLAND

The Denny Bursaries Trust Scheme 1980

*Made - - - - 22nd April 1980*

*Coming into Operation 22nd April 1980*

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In exercise of the powers conferred on him by sections 118(1) and 125(2) of the Education (Scotland) Act 1962(a) and all other powers enabling him in that behalf and after—

- (a) preparing a draft scheme for the future management of the endowment known as the Denny Bursaries Trust,
- (b) carrying out the procedure specified in section 125(1) of the said Act, and
- (c) no objections or proposed amendments to the draft scheme having been received by him,

the Secretary of State hereby makes the following scheme:—

PART I  
CITATION AND INTERPRETATION

*Citation*

- 1. This scheme may be cited as the Denny Bursaries Trust Scheme 1980.

*Interpretation*

- 2.—(1) In this scheme unless the context otherwise requires—

“Trustees” means the Trustees of the Denny Bursaries Trust acting under a Deed of Declaration of Trust granted by Peter Denny of Dumbarton, Engineer and Shipbuilder, dated 15th and registered in the Books of Council and Session on 24th both of September 1875 and a further Deed of Declaration of Trust by the said Peter Denny dated 2nd, 3rd and 5th and registered in the Books of Council and Session on 6th all of May 1882, and

“Trust” means the Denny Bursaries Trust dedicated under the said Deed of Declaration of Trust of 1875 for the purpose of founding the Denny Bursaries.

- (2) References in this scheme to a paragraph shall, except where the context otherwise requires, be construed as references to a paragraph of this scheme.

PART II  
THE TRUSTEES

*Continuance of the Trustees*

- 3. For the purpose of carrying this scheme into effect the Trustees shall be and are hereby continued.

*Composition of the Trustees*

- 4. The Trustees shall consist of the following persons:—

- (a) two persons resident or carrying on business in the District of Dumbarton or professionally connected with the said District

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(a) 1962 c. 47; section 125 was substituted by the Education (Scotland) Act 1969 (c. 49), section 19.

- nominated by the Sheriff Principal for the time being of the Sheriffdom of North Strathclyde he himself being eligible;
- (b) the members of the Senatus Academicus of the University of Glasgow; and
  - (c) one person being an Assessor elected by the General Council of the University of Glasgow on the Court of the said University.

*Periods of office of nominated Trustees*

5. The periods of office of the Trustees nominated under paragraph 4(a) shall be 5 years and they shall be eligible for further nomination.

*Vacancies*

6.—(1) Any nominated Trustee who shall intimate in writing his resignation of office or who shall become incapacitated to act shall be held to have vacated office.

(2) In the event of a vacancy being caused by the expiry of a term of office, or by the death, incapacity or resignation of a nominated Trustee the vacancy shall be intimated by the Trustees to the Sheriff Principal of the Sheriffdom of North Strathclyde. In the case of a vacancy caused by the expiry of a term of office, 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. A successor shall be nominated by the said Sheriff within 3 months of the date of the intimation.

PART III

ADMINISTRATIVE ARRANGEMENTS

*President*

7. The Trustees shall appoint a president from their own number at an ordinary meeting held at such period of the year as they may determine and in the absence of the president at any meeting the Trustees shall appoint one of their own number as a temporary president to preside. The president shall hold office for 5 years or if he is a nominated Trustee until his own period of office as a Trustee expires, whichever is the lesser, and he shall be eligible for re-appointment.

*Administrative staff*

8. The Trustees may appoint such factors and law agents as they consider necessary at such remuneration and under such conditions as they may determine. Any factor whose duties include intrusions with the funds of the Trust shall find such caution as the Trustees may require for his intrusions. No Trustee acting as factor shall be entitled to any remuneration.

*Executive Trustees and committees*

9. The Trustees shall have power to appoint executive Trustees and committees of their own number. They may appoint the chairman of the executive Trustees and each committee, confer all such powers on and give to the executive Trustees and each committee all such instructions as may appear expedient and fix the quorum of the executive Trustees and each committee.

*Meetings of the Trustees*

10.—(1) The Trustees shall hold at least one ordinary meeting in each year at such place and time as they may determine.

(2) The president or any 3 of the Trustees may, for any cause which seems to him or them sufficient, require a special meeting to be convened by giving notice in writing to the factor of the Trustees specifying the business to be transacted.

(3) At least 14 days' notice of every meeting 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:

Provided that the president or any Trustee authorised by the president may convene a meeting on less than 14 days' notice but no resolution or motion carried at that meeting shall be valid unless not less than two-thirds of the Trustees present have voted in favour of it or unless it is confirmed at any subsequent meeting on the usual notice being given.

#### *Quorum at meetings*

11.—(1) At all meetings of the Trustees, 3 Trustees shall be a quorum and, subject to the proviso to paragraph 10(3), all questions shall be determined by a majority of the Trustees present. In any case where there is an equality of votes, the president or the temporary president 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 Trustees present is less than 3, the Trustees shall adjourn the meeting to such day or time as they may determine and the meeting may be reconvened on less than 14 days' notice being given.

#### *Bye-laws and rules*

12. Subject to the provisions of this scheme, the Trustees may make such bye-laws and rules for the regulation of their proceedings, the keeping of records, the execution of documents and such other matters connected with the administration of the Trust as they think fit.

### PART IV

#### FINANCIAL ARRANGEMENTS

##### *Vesting of the Trust*

13. From and after 22nd April 1980 the Trust shall continue to be vested in the Trustees to be held, administered and applied exclusively in accordance with the provisions of this scheme.

##### *Powers of investment*

14. The Trustees shall have the powers of investment applicable to trustees under the Trustee Investment Act 1961:

Provided that it shall be in their power to retain any investments in which the funds of the Trust are invested at 22nd April 1980 and any investment accepted by them under paragraph 15.

##### *Additional donations*

15. The Trustees may accept donations, legacies, annuities, subscriptions and other gifts (hereinafter referred to as "additional donations") for the purposes of this scheme, or for purposes connected therewith. Such additional donations shall be applied in accordance with the directions of the respective testators or

donors. In the absence of any specific direction relating thereto, the Trustees shall add any additional donation to the capital or income of the Trust or in such proportions as they think fit to both the said capital and income.

#### *Application of income*

16.—(1) After paying all the necessary expenses of management and other outgoings affecting the Trust, the Trustees shall apply in each financial year the free income of the Trust in executing the purposes of paragraph 17.

(2) If, notwithstanding the provisions of the foregoing sub-paragraph (1), there is at the end of any financial year an unexpended balance of income, the Trustees shall carry the said balance or part thereof forward to the following financial year for application to the purposes of paragraph 17 or shall add the balance or part thereof to the capital of the Trust.

### PART V

#### PURPOSES OF THE TRUST

##### *The Denny Bursaries*

17.—(1) The Trustees shall award in each financial year Denny Bursaries which shall be tenable in any faculty of the University of Glasgow, and shall be in such number, of such annual value and tenable for such number of years as the Trustees think fit.

(2) The persons who shall be eligible for Denny Bursaries shall be persons who on completion of their secondary school education at Dumbarton Academy have gained entrance to the said University.

(3) Failing the availability in any year of sufficient persons eligible for the said Bursaries under the foregoing sub-paragraph (2) the Trustees may offer the remaining Bursaries to persons who on completion of their secondary school education at any school in the District of Dumbarton under the management of the Education Authority for the Region of Strathclyde have gained entrance to the said University.

(4) In the event of there being more persons eligible under the foregoing sub-paragraphs (2) or (3) than there are Bursaries available the Trustees shall award the Bursaries to those of the persons eligible whom they consider to be the most meritorious.

##### *Limitation of the value of a Denny Bursary*

18. The annual value of a Denny Bursary awarded under this scheme to a person who holds or is to hold an allowance or scholarship which is paid out of monies provided by Parliament or out of any fund aided by grants from Parliament shall not be such as may cause the said allowance or scholarship to be reduced.

##### *Withdrawal of a Denny Bursary*

19. The Trustees may require the holder of a Denny Bursary under this scheme to satisfy them that he is making satisfactory progress in the course of study which he has undertaken. If in the opinion of the Trustees any such holder is guilty of serious misconduct or is failing to make satisfactory progress the Trustees may withdraw the Bursary or suspend the holder from its benefits, and the decision of the Trustees shall be final.

## PART VI

### MISCELLANEOUS AND GENERAL PROVISIONS

#### *Continuation of benefits*

20. Any person who at 22nd April 1980 is the holder of a Denny Bursary awarded by the Trustees shall continue to enjoy the benefit thereof subject always to the conditions under which it was awarded.

#### *Copies of scheme*

21. The Trustees shall maintain a supply of copies of this scheme and shall cause a copy to be kept available for inspection by any of their members or staff and copies shall be made available for sale to the public at a reasonable price.

Given under the seal of the Secretary of State for Scotland.

*Alastair D. F. Findlay,*  
Assistant Secretary.

Scottish Education Department,  
New St. Andrew's House,  
Edinburgh.  
22nd April 1980.