

SCHEDULE

Article 2

THE EDUCATIONAL ENDOWMENTS (BORDERS REGION) TRANSFER SCHEME 1996

Citation

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

Interpretation

2. In this Scheme—

- (a) references to the Borders Regional Council and the Berwickshire, Ettrick and Lauderdale, Roxburgh and Tweeddale District Councils are to those councils as constituted under section 2 of the Local Government (Scotland) Act 1973(1);
- (b) references to The Scottish Borders Council are to that Council as constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

Transfer of interests in educational endowments from the Borders Regional Council to The Scottish Borders Council

3.—(1) Where immediately before 1st April 1996 there were vested in the Borders 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,

such educational endowments shall to the same extent, and such powers and rights shall, on that date be transferred to and vest in The Scottish Borders Council.

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

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

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 Scottish Borders Council nominated by that Council for the purpose;
- (ii) in the case where they were vested by virtue of his office in an officer of the Borders Regional Council, the proper officer of The Scottish Borders Council;
- (iii) in the case where they were vested in a person nominated by the Borders Regional Council, a person nominated by The Scottish Borders Council.

(1) 1973 c. 65; section 2 is repealed by the Local Government etc. (Scotland) Act 1994 (c. 39), section 180(2) and Schedule 14.

Status: This is the original version (as it was originally made).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

Transfer of interests in educational endowments from district councils to The Scottish Borders Council

4.—(1) Where immediately before 1st April 1996 there were vested in the Berwickshire, Ettrick and Lauderdale, Roxburgh or Tweeddale 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,

such educational endowments shall to the same extent, and such powers and rights shall, on that date be transferred to and vest in The Scottish Borders Council.

(2) Where immediately before 1st April 1996 there were vested by virtue of his office in the holder of an office connected with the Berwickshire, Ettrick and Lauderdale, Roxburgh or Tweeddale 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,

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 Scottish Borders Council nominated by that Council 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 Scottish Borders Council;
- (iii) in the case where they were vested in a person nominated by the relevant district council, a person nominated by The Scottish Borders Council.

Consequential provisions for interpretation of governing instruments of educational endowments

5.—(1) Unless the context otherwise requires, any reference, however expressed, in the governing instrument of any educational endowment to—

- (a) the Borders Regional Council;
- (b) the Berwickshire, Ettrick and Lauderdale, Roxburgh or Tweeddale District Council;
- (c) the county council of the former county of Berwick, Peebles, Roxburgh or Selkirk;
- (d) the council of any small burgh or district comprised in any of those former counties before 16th May 1973,

shall be construed as a reference to The Scottish Borders Council.

(2) Unless the context otherwise requires, any reference, however expressed, in the governing instrument of any educational endowment to—

- (a) a councillor of any council referred to in sub-paragraph (1) above, or the holder of a specified office held by such councillor, shall be construed as a reference to a councillor of The Scottish Borders Council nominated by that Council for the purpose;
- (b) an officer, or any specified officer, of a council referred to in sub-paragraph (1) above shall be construed as a reference to the proper officer of The Scottish Borders Council.