

SCHEDULE 2

Paragraph 8

AMENDMENTS OF GOVERNING INSTRUMENTS

**Angus Educational Trust Scheme 1935**

1.—(1) The Angus Educational Trust Scheme 1935<sup>(1)</sup> 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(3)—

(a) for paragraph (a) substitute:—

“8 persons to be elected by the Council being members of the Council or non-councillor members of a committee of the Council to which section 124 of the Local Government (Scotland) Act 1973<sup>(2)</sup> applies.”; and

(b) delete paragraphs (b) to (f) inclusive.

(4) For section 5 substitute:—

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

(2) The governors elected by the Council shall hold office until the next ordinary election of councillors of the Council.”.

(5) In section 53 for the definitions of “The County” and “The County Council” substitute the following definitions:—

““The County” means the local government area of Angus described in Schedule 1 to the Local Government etc. (Scotland) Act 1994:

“The Council” means Angus Council as constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

**The Webster and Davidson Mortification for the Blind Scheme 1963**

2.—(1) The Webster and Davidson Mortification for the Blind Scheme 1963<sup>(3)</sup> shall be amended in accordance with this paragraph.

(2) In section 2(2)—

(a) for paragraph (a) substitute:—

“(a) the Lord Provost of Dundee City Council (hereinafter referred to as “the Lord Provost”);”; and

(b) for paragraph (g) substitute:—

“the proper officer of Dundee City Council having responsibility for education;”.

(3) In section 2(3), for paragraph (a) substitute:—

“(a) a councillor or other person elected by Dundee City Council;”.

(4) In section 4(1), delete from “Provided that” to the end.

(5) For section 6(1) substitute:—

<sup>(1)</sup> Approved by Order in Council dated 2nd February 1937.

<sup>(2)</sup> 1973 c. 65; section 124 was substituted by the Local Government etc. (Scotland) Act 1994 (c. 39), section 31.

<sup>(3)</sup> Approved by the Webster and Davidson Mortification for the Blind Scheme 1963 Order in Council 1963 (S.I.1963/1498).

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“(1) the governor elected by Dundee City Council shall hold office until the next ordinary election of councillors of that Council.”.

(6) In section 6(2), for “the Town Council” substitute “Dundee City Council”.

#### **The Perth and Kinross Educational Trust Scheme 1964**

**3.**—(1) The Perth and Kinross Educational Trust Scheme 1964(4) shall be amended in accordance with this paragraph.

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

(3) In section 1, for “the Joint County Council of the Combined County of Perth and Kinross” substitute “the Council”.

(4) In section 2(2)—

(a) for paragraph (a) substitute:—

“11 persons to be nominated by the Council from the Education Committee of the Council;”; and

(b) delete paragraphs (b) and (c).

(5) In section 2(3), for “triennial election of County Councillors” substitute “ordinary election of councillors”.

(6) In section 3, for “The Director of Education” substitute “An officer appointed by the Council for the purpose”.

(7) In section 56—

(a) for paragraphs (g) and (h) substitute:—

“(g) “County” means the local government area of Perth and Kinross (originally named Perthshire and Kinross) described in Schedule 1 to the Local Government etc. (Scotland) Act 1994;

(h) “Council” means Perth and Kinross Council as constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”; and

(b) after paragraph (i) insert:—

“(ii) “Education Committee” means a committee of the Council to which section 124 of the Local Government (Scotland) Act 1973 applies;”.

#### **The City of Dundee Educational Trust Scheme 1966**

**4.**—(1) The City of Dundee Educational Trust Scheme 1966(5) shall be amended in accordance with this paragraph.

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

(3) In section 2(1)—

(a) for paragraph (c) substitute:—

“(c) “City” means the local government area of Dundee City (originally named City of Dundee) described in Schedule 1 to the Local Government etc. (Scotland) Act 1994;”; and

(b) for paragraph (e) substitute:—

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(4) Approved by the Perth and Kinross Educational Trust Scheme 1964 Order in Council 1965 (S.I. 1965/316).

(5) Approved by the City of Dundee Educational Trust Scheme 1966 Order in Council 1966 (S.I. 1966/812).

- (e) “Education Committee” means a committee of the Council to which section 124 of the Local Government (Scotland) Act 1973 applies;” and
- (c) for paragraph (j) substitute:—
- “(j) “Council” means Dundee City Council as constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and”.
- (4) In section 4(1), for paragraph (a) substitute:—
- “(a) Five persons to be nominated by the Council from the Education Committee of the Council;”.
- (5) For section 5(1), substitute:—
- “The nomination of governors from the Education Committee of the Council may be by the Council themselves or may be delegated to a committee of the Council.”.

### **The Patrick Allan-Fraser Trust Scheme 1980**

5.—(1) The Patrick Allan-Fraser Trust Scheme 1980(6) shall be amended in accordance with this paragraph.

(2) In the list in paragraph 4(2), for the entries “The Chairman of Tayside Regional Council” and “The Chairman of Angus District Council” substitute respectively the entries “The Convener of Angus Council” and “The Vice-Convener of Angus Council”.

### **The Morgan Trust Scheme 1982**

6.—(1) The Morgan Trust Scheme 1982(7) shall be amended in accordance with this paragraph.

- (2) In section 2—
- (a) For subsections (1) and (2) substitute the following two subsections:—
- “(1) four persons to be elected by Angus Council from their own number;
- (2) four persons to be elected by Dundee City Council from their own number;”.
- (b) delete subsections (3) and (4); and
- (c) renumber subsections (5) to (8) as subsections (3) to (6) respectively.
- (3) For section 3(1) substitute the following subsection:—
- “(1) The elections of governors by Angus and Dundee City Councils may be by the relevant Council themselves or may be delegated to a committee of the relevant Council.”.
- (4) For section 4 substitute the following section:—
- (1) The first election of governors by Angus Council and Dundee City Council under this Scheme as amended by the Educational Endowments (Tayside Region) Transfer Scheme 1996 shall be made before 1st July 1996, and the period of office of such governors shall begin on that date.
- (2) The governors elected by Tayside Regional Council and Angus and City of Dundee District Councils who are in office immediately before 1st April 1996 shall notwithstanding the amendment of this Scheme remain in office for the period April, May and June 1996 and shall demit office at the end of that period; and during that period section 6(1) of this Scheme shall not apply to them.”.

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(6) S.I. 1980/2037.

(7) This is the Morgan Trust Scheme 1963, approved by the Morgan Trust Scheme 1963 Order in Council 1963 (S.I. 1963/1321), as amended and renamed by Decree of the Court of Session dated 18th March 1983 in the Petition of the Governors of the Morgan Trust for Approval of a Scheme.

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(5) In section 5(1), for “any of subsections (1) to (4)” substitute “subsection (1) or (2)”.