

SCHEDULE

Article 2

THE EDUCATIONAL ENDOWMENTS (TAYSIDE REGION) TRANSFER SCHEME 1996

Citation

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

Interpretation

2.—(1) In this Scheme—

- (a) references to Tayside Regional Council and to Angus, City of Dundee and Perth and Kinross District Councils are to those Councils as constituted under section 2 of the Local Government (Scotland) Act 1973(1); and
- (b) references to Angus, Dundee City and Perth and Kinross Councils are to those Councils as constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

(2) In this Scheme, unless the context otherwise requires, any reference to a numbered paragraph or Schedule is a reference to a paragraph of, or Schedule to, this Scheme.

Transfer of specific interests in educational endowments from Tayside Regional Council to Angus Council

3.—(1) On 1st April 1996 the educational endowments listed in Part I of Schedule 1 so far as vested in Tayside Regional Council immediately before that date shall be transferred to and vest in Angus Council.

(2) On 1st April 1996 the following powers vested in Tayside Regional Council immediately before that date shall be transferred to and vest in Angus Council:—

- (a) all powers of the Regional Council under the Angus Educational Trust Scheme 1935(2); and
- (b) all powers with respect to the endowments listed in Part I of Schedule 1.

Transfer of specific interests in educational endowments from Tayside Regional Council to Dundee City Council

4.—(1) On 1st April 1996 the educational endowments listed in Part II of Schedule 1 so far as vested in Tayside Regional Council immediately before that date shall be transferred to and vest in Dundee City Council.

(2) On 1st April 1996 the following powers vested in Tayside Regional Council immediately before that date shall be transferred to and vest in Dundee City Council:—

- (a) all powers of the Regional Council under the City of Dundee Educational Trust Scheme 1966(3); and
- (b) all powers with respect to the endowments listed in Part II of Schedule 1.

(1) 1973 c. 65; section 2 is repealed by the Local Government etc.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

(2) Approved by Order in Council dated 2nd February 1937.

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

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Transfer of specific interests in educational endowments from Tayside Regional Council to Perth and Kinross Council

5.—(1) On 1st April 1996 the following educational endowments so far as vested in Tayside Regional Council immediately before that date shall be transferred to and vest in Perth and Kinross Council:—

- (a) the endowments comprised in the Perth and Kinross Educational Trust, governed by the Perth and Kinross Educational Trust Scheme 1964⁽⁴⁾;
- (b) the endowments listed in Part III of Schedule 1.

(2) On 1st April 1996 the following powers vested in Tayside Regional Council immediately before that date shall be transferred to and vest in Perth and Kinross Council:—

- (a) all powers under the Perth and Kinross Educational Trust Scheme 1964; and
- (b) all powers with respect to the endowments listed in Part III of Schedule 1.

(3) On 1st April 1996 the rights to be paid money under section 8 of the Perth and Kinross Educational Trust Scheme 1964 vested in Tayside Regional Council immediately before that date shall be transferred to and vest in Perth and Kinross Council.

Transfer of interests in any education endowments not specifically provided for from Tayside Regional Council to new authorities

6.—(1) Where immediately before 1st April 1996 there were vested in Tayside 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,

which are not specifically provided for in paragraphs 3 to 5, then, subject to paragraph 8 and Schedule 2, such educational endowments shall to the same extent, and such powers and rights shall, on that date be transferred to and vest in the appropriate new authority.

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

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

then, subject to paragraph 8 and Schedule 2, 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 appropriate new authority nominated by that authority for the purpose;
- (ii) in the case where they were vested by virtue of his office in an officer of Tayside Regional Council, the proper officer of the appropriate new authority;
- (iii) in the case where they were vested in a person nominated by Tayside Regional Council, a person nominated by the appropriate new authority.

(3) In this paragraph, “the appropriate new authority” means—

- (a) subject to head (c) below, the new authority for the area in which any educational establishment to which the endowment relates is situated; or

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

- (b) subject to head (c) below, where the endowment relates to no particular establishment, the new authority for the area in which the beneficiaries of the endowment are required under its governing instrument to reside or with which they are so required to have some other connection; or
- (c) where heads (a) and (b) above do not apply, or where application of them indicates more than one new authority, the new authority for the area with which the endowment is most closely connected.

Transfer of interests in educational endowments from district councils to new authorities

7.—(1) Where immediately before 1st April 1996 there were vested in Angus, City of Dundee or Perth and Kinross 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,

then, subject to paragraph 8 and Schedule 2, such educational endowments shall to the same extent, and such powers and rights shall, on that date be transferred to and vest in the successor authority.

(2) Where immediately before 1st April 1996 there were vested by virtue of his office in the holder of an office connected with Angus, City of Dundee or Perth and Kinross 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,

then, subject to paragraph 8 and Schedule 2, 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 successor authority 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 successor authority;
- (iii) in the case where they were vested in a person nominated by the relevant district council, a person nominated by the successor authority.

(3) In this paragraph, “the successor authority” means—

- (a) in relation to Angus District Council, Angus Council;
- (b) in relation to City of Dundee District Council, Dundee City Council;
- (c) in relation to Perth and Kinross District Council, Perth and Kinross Council.

Amendments of governing instruments

8. The governing instruments specified in Schedule 2 shall be amended in accordance with that Schedule.

Consequential provision for interpretation of governing instruments

9. Subject to paragraph 8 and Schedule 2, and unless the context otherwise requires, where an educational endowment, or a power or right in respect of an educational endowment, is transferred by this Scheme, any reference, however expressed, in the governing instrument of the endowment in relation to that endowment, power or right, to a local authority or other person in whom the

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endowment, power or right was at any time vested shall be construed as a reference to the council or person in whom the endowment, power or right is vested under this Scheme.