



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART I

LOCAL GOVERNMENT REORGANISATION

CHAPTER 3

PROPERTY

17 Educational endowments.

- (1) Where, immediately before 1st April 1996, educational endowments are to any extent vested in an existing local authority, the Secretary of State may by order make schemes providing for such endowments, on that date, to be transferred to and vest to the same extent in such new authority or authorities as may be specified in or determined under the scheme.
- (2) A scheme made under this section may provide for educational endowments, to the extent that they are vested by virtue of his office in the holder of an office connected with an existing local authority or in a person nominated by such an authority, to be transferred to and vest in a person holding an office in, or nominated by, such new authority or authorities as may be specified in or determined under the scheme.
- (3) A scheme under this section may provide for powers with respect to an educational endowment which are vested in an existing local authority or, by virtue of his office, in the holder of an office connected with such an authority or in a person nominated by such an authority, to be transferred to and vest in such new authority or authorities or, as the case may be, in a person holding office connected with, or nominated by, such an authority, as may be specified in or determined under the scheme.
- (4) A scheme under this section may provide for any rights to be paid money out of an educational endowment which are vested in an existing local authority to be

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transferred to and vest in such new authority or authorities as may be specified in or determined under the scheme.

- (5) The Secretary of State may require any existing local authority to provide him, in such form as he may specify, with their proposals for the transfer, in accordance with the provisions of this section, of any such educational endowments, powers or rights as are mentioned in subsections (1), (2), (3) or (4) above.
- (6) Subject to subsection (7) below, a scheme under this section may make such provision in relation to an educational endowment as the Secretary of State considers appropriate and, without prejudice to the generality of the foregoing, may include provision for—
 - (a) amending or revoking the governing instrument of an endowment;
 - (b) grouping, amalgamating, combining or dividing any endowments;
 - (c) the purposes to which, and the conditions under which, any such endowments may be applied;
 - (d) incorporating or establishing new governing bodies, or dissolving, combining or uniting any governing bodies;
 - (e) the powers of the governing body of any endowment.
- (7) In exercising his powers under subsection (6) above, the Secretary of State shall make no more changes with respect to any endowment than appear to him to be necessary or expedient in consequence of the alteration of local government areas effected by this Part of this Act.
- (8) Schemes under this section may make different provision in relation to different endowments or categories of endowment, different provision in respect of different items or categories of property, rights, liabilities and obligations, and different provision in respect of different authorities.
- (9) Subject to the provisions of the governing instrument of an educational endowment (including such an instrument made or amended by a scheme under this section), where, as the result of the election of a new authority occurring after 1st April 1996, it is necessary for a person to be nominated by the authority or by a committee thereof to be vested (to any extent) with the endowment, in terms of subsection (2) above, or to be vested with any power, in terms of subsection (3) above, that person shall be so nominated at the first meeting of the authority or committee held after it has been elected or appointed; and in such a case the person who (to the said extent) was last vested with the endowment or, as the case may be, who was last vested with the power, before the meeting shall continue therein until the date of the meeting.
- (10) Section 19 of this Act applies in relation to educational endowments as it applies in relation to the property referred to in that section.
- (11) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) Expressions used in this section and in Part VI of the ^{M1}Education (Scotland) Act 1980 have the same meaning in this section as in that Part.
- (13) Nothing in this section shall affect any other power to reorganise any educational endowment or otherwise to alter the provisions of any trust.
- (14) In this section—

“authority” includes an existing local authority and a new authority;

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“existing local authority” includes a joint committee and a joint board but does not include an islands authority; and

“new authority” means any of the authorities constituted under section 2 of this Act (other than Orkney Islands, Shetland Islands or Western Isles) and a joint board.

Marginal Citations

M1 1980 c. 44.

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