



# Education (Scotland) Act 1945

## 1945 CHAPTER 37

### PART V

#### GENERAL.

##### *Educational Endowments.*

#### **73 Register of educational endowments.**

- (1) The Secretary of State shall appoint one of his officers to be Registrar of Educational Endowments, and it shall be the duty of the Registrar to keep a register of all educational endowments, which shall contain such information as may be prescribed, and shall be open to public inspection at all reasonable times.
- (2) Except as hereinafter provided, it shall be the duty of the governing body of every educational endowment within twelve months after the appointed day or after the date upon which the deed, creating the endowment came into operation, whichever is the later, to furnish the Registrar with such information about the endowment as may be prescribed by regulations made by the Secretary of State.
- (3) This section shall not apply to a university endowment, to a theological endowment, or to the Carnegie Trust, and regulations made under this section may exempt any endowment or class of endowments from any of the provisions of this section.
- (4) Expressions used in this section which are defined in the Educational Endowments (Scotland) Acts, 1928 to 1935, shall have the like meaning as in those Acts.

#### **74 Alteration of schemes under 45 and 46 Vict. c. 59.**

Any provision in a scheme under the Educational Endowments (Scotland) Act, 1882, providing for the alteration of the scheme shall cease to have effect.

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## **75 Date of endowment accounts.**

Notwithstanding anything in any scheme under the Educational Endowments (Scotland) Act, 1882, or the Educational Endowments (Scotland) Acts, 1928 to 1935, relating to the accounts of an educational endowment of which a county council or a town council is the governing body, the said accounts shall be made up and balanced to the same day in every year as the accounts of the county fund or the burgh fund as the case may be :

Provided that the accounts of any such endowment as aforesaid current on the day when the council's financial year ends first occurring after the appointed day may be made up and balanced to the first mentioned day or to a day one year thereafter as the council think fit.

## **76 Amendment of 18 and 19 Geo. 5. c. 30.**

Sections nineteen, twenty, twenty-one and twenty-seven and paragraph (e) of subsection (1) of section forty-one of the Educational Endowments (Scotland) Act, 1928, (which relate, to objections to draft schemes, and the framing, consideration, confirmation and approval of schemes under that Act), shall have effect as if for any reference therein to two months there were substituted a reference to one month.

## **77 Sale of land belonging to educational endowments.**

- (1) Where it appears to the Secretary of State to be desirable that a scheme under the Educational Endowments (Scotland) Acts, 1928 to 1935, in relation to any educational endowment should make provision for the sale of any land forming the endowment or part thereof and for the application of the proceeds of sale in accordance with the provisions of the scheme, but that such provision cannot be made by reason of the third proviso to section two of the School Sites Act, 1841, (which provides that if any land granted in accordance with the provisions of that section ceases to be used for the purposes mentioned in that Act, the land shall revert to the grantor), or by reason of any condition of a similar nature contained in the governing instrument of the endowment, he may by order direct that the said proviso or condition shall not have effect in relation to the land :

Provided that no such direction shall be given in relation to any land unless the Secretary of State is satisfied either—

- (a) that the person to whom the land would revert in accordance with the said proviso or condition cannot after due inquiry be found ; or
  - (b) that, if that person can be found, he has consented to relinquish his rights in relation to the land under the said proviso or condition, and that, if he has consented so to do in consideration of the payment of a sum of money to him, adequate provision can be made for the payment to him of that sum out of the proceeds of the sale of the land.
- (2) A scheme under the Educational Endowments (Scotland) Acts, 1928 to 1935, relating to any educational endowment which includes land in respect of which an order has been made under the last foregoing subsection may make provision for the payment out of the proceeds of the 'sale of the land of any sum which is payable to any person in consideration of the relinquishment of his rights in relation to the land under the said proviso or condition.

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- (3) In this section the expression " educational endowment " has the meaning assigned to it by section forty-two- of the Educational Endowments (Scotland) Act, 1928, provided that any land conveyed under section two of the School Sites Act, 1841, or held under a governing instrument containing a condition of the nature referred to in subsection (1) of this section shall be deemed to be an educational endowment or part thereof notwithstanding anything in the third proviso to that section or in the said condition.