
S T A T U T O R Y I N S T R U M E N T S

1974 No. 598 (S.50)

EDUCATION, SCOTLAND

Clark (Mile-End) Bursary Fund Scheme 1974

Made - - - 26th March 1974

Coming into Operation 26th March 1974

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SCHEDULE—Particulars of the Endowment to which this Scheme relates.

In exercise of the powers conferred on him by section 118(1) of the Education (Scotland) Act 1962(a) and section 125(5) of the said Act as substituted by section 19 of the Education (Scotland) Act 1969(b) and all other powers enabling him in that behalf and after—

- (a) preparing a draft scheme for the future management of the endowment known as the Clark Bursary Fund,
- (b) carrying out the procedure specified in section 125(1) of the said Act,
- (c) receiving and considering objections to the draft scheme,
- (d) framing a scheme under section 125(3) of the said Act,
- (e) carrying out the procedure specified in section 125(4) of the said Act, and
- (f) no petition or appeal having been proceeded with in the Court of Session and no petition having been presented to him,

the Secretary of State hereby makes the following scheme:—

PART I
CITATION AND INTERPRETATION

Citation

1. This scheme may be cited as the Clark (Mile-End) Bursary Fund Scheme 1974.

Interpretation

2.—(1) In this scheme unless the context otherwise requires:—

- (a) “Fund” means the Clark (Mile-End) Bursary Fund;
- (b) “governing body” means the governing body of the Clark (Mile-End) Bursary Fund as constituted in terms of section 3 of this scheme, and
- (c) “Trustees” means the Trustees appointed under the Constitution of the Clark Bursary Fund (Mile-End) dated 1 August 1866, and recorded in the Books of Council and Session on 19 December 1868.

(a) 1962 c. 47.

(b) 1969 c. 49.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of this scheme as it applies for the interpretation of an Act of Parliament.

(3) References in this scheme to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment or as contained in any other enactment substituted for that enactment.

(4) References in this scheme to a section shall, except where the context otherwise requires, be construed as references to a section of this scheme.

PART II

CONSTITUTION OF THE GOVERNING BODY

Reconstitution of governing body

3.—(1) For the purpose of carrying this scheme into effect the Trustees as appointed under the “Constitution of the Clark Fund (Mile-End)” shall be and are hereby reconstituted under the name of “The governing body of the Clark (Mile-End) Bursary Fund” as a body corporate with perpetual succession and a common seal, and with all the rights, privileges and powers of a body corporate.

(2) The governing body reconstituted under the last foregoing subsection shall if so requested grant the Trustees in office on 26th March 1974 a discharge of their intromissions.

Composition of governing body

4.—(1) The governing body shall consist of five *ex-officio* governors and five nominated governors.

(2) The following persons shall be the *ex-officio* governors—

(a) the Lord Dean of Guild of Glasgow;

(b) the Dean of the Royal Faculty of Procurators of Glasgow;

(c) the Clerk to the Senate of the University of Glasgow;

(d) the President of the Royal College of Physicians and Surgeons of Glasgow, and

(e) the Clerk to the Glasgow Presbytery of the Church of Scotland.

(3) The nominated governors shall be elected by the governors who have been nominated previously to the governing body and who are then in office. The nominated governors shall be persons with experience which is likely to be of value to the governing body in the exercise of their functions under this scheme.

Election of governors

5. Subject to the provisions of section 12, the election of governors under subsection (3) of section 4 shall be made by the nominated governors then in office at a meeting convened for the purpose.

Periods of office

6. Subject to the provisions of section 7, the terms of office of the nominated governors shall be three years:

Provided that a governor nominated to succeed a governor who has died or otherwise vacated office before the end of his term of office shall hold office only during the unexpired portion of the said governor's term.

(a) 1889c. 63.

Resignations, etc.

7. Any governor who shall intimate in writing his resignation of office, or who shall become bankrupt or otherwise incapacitated to act or who shall for the space of one year without reasonable cause fail to attend any meeting of the governing body, shall be held to have vacated office.

Vacancies

8.—(1) Every vacancy whether occasioned by the expiry of a term of office as a governor, or by resignation or any other cause, shall be entered in the minute book.

(2) Each vacancy among the nominated governors shall be intimated to the remaining nominated governors by the clerk to the governing body. In the case of a vacancy caused by the expiry of a normal term of office, intimation shall be made not less than one month before the date of the vacancy and in any other case as soon as may be after its occurrence. A successor shall be elected by the remaining nominated governors within three months of the date of intimation.

Re-election

9. Subject to the provisions of section 7, all nominated governors shall be eligible for re-election.

Validity of proceedings of governing body

10. The proceedings of the governing body shall not be invalidated by any vacancy among the governors or by any defect in the election of any of the nominated governors.

Execution of Deeds

11. All deeds and other writings, sealed with the corporate seal and signed by one of the governors and by a duly authorised officer of the governing body appointed for the purpose, shall be held to be validly executed on behalf of the governing body.

Transitional provisions

12.—(1) The Trustees in office at 26th March 1974 shall remain in office and shall continue to administer the Fund until the first meeting of the governing body.

(2) The first meeting of the governing body shall be convened by the clerk to the Trustees and shall be held not less than two months after 26th March 1974. At that meeting which shall be presided over by the chairman to the Trustees the governing body shall elect a chairman and appoint a clerk and such other officers as they consider necessary. They may also transact such other business relating to the administration of the Fund as they think fit.

(3) At the first meeting of the governing body they shall have power, notwithstanding the provisions of section 6, to determine the dates of expiry of the periods of office of the nominated governors in office at the date of that meeting.

PART III

ADMINISTRATIVE ARRANGEMENTS

Chairman

13. The governing body shall appoint a chairman from their own number at an ordinary meeting held at such period of the year as they may determine and in the absence of the chairman the governors shall appoint one of their

own number to preside at any meeting. The chairman shall hold office for three years or until his own period of office as a governor expires, whichever is the lesser, and he shall be eligible for reappointment.

Committees

14. The governing body may appoint such committees of their own number as they think fit, appoint the convener of each committee, confer on each committee all such powers and give all such instructions as may appear expedient and fix the quorum of each committee.

Administrative staff

15.—(1) The governing body shall appoint such administrative officers as they consider necessary at such reasonable salaries and under such conditions of service as they may determine. Such staff shall hold office at the pleasure of the governing body. Any officer of the governing body whose duties include intrusions with the funds vested in the governing body shall find such caution for his intrusions as the governing body may require.

(2) A governor acting as clerk or other officer shall be entitled to suitable remuneration.

Meetings of governing body

16.—(1) The governing body shall hold at least one ordinary meeting in each year at such place and time as they may determine.

(2) The chairman may at any time convene a special meeting of the governing body.

(3) Any three of the governors may for any cause which seems to them sufficient require a special meeting to be convened by giving notice in writing to the clerk to the governing body specifying the business to be transacted.

(4) At least seven days' notice of meetings shall be given and such notice, which shall be in writing, shall specify the date, time and place of the meeting and the business to be transacted:

Provided that the chairman or any governor duly authorised by the chairman may convene a meeting on less than seven days' notice but no resolution or motion carried at that meeting shall be valid unless not less than two-thirds of the governors present and voting have voted in favour of it or unless it is confirmed at any subsequent meeting on the usual notice being given.

Quorum of governing body

17.—(1) At all meetings of the governing body four governors shall be a quorum and, subject to the proviso to subsection (4) of section 16, all questions shall be determined by a majority of the governors present. In any case where there is equality of votes, the chairman of any meeting shall have a second or casting vote in addition to a deliberative vote.

(2) If at any time appointed for a meeting or if before the business of any meeting has been completed the number of governors present is less than four, the governors present shall adjourn the meeting to such day or time as they may determine and the meeting may be reconvened on less than seven days' notice being given.

Rules and standing orders

18. Subject to the provisions of this scheme, the governing body may make such rules and standing orders for the regulation of their proceedings, the keeping of records, the execution of documents and such other matters connected with the business of the governing body as they think fit.

PART IV

VESTING AND FINANCIAL ARRANGEMENTS

Vesting of Fund

19. From and after 26th March 1974 the Fund which is described in the schedule to this scheme, shall be vested in the governing body to be held, administered and applied exclusively in accordance with the provisions of this scheme.

Powers of investment

20. In regard to the investment of the Fund, the governing body shall have all powers competent to them under the Common Law of Scotland as a body corporate.

Additional donations

21. The governing body may accept donations, legacies, annuities, subscriptions and other gifts (hereinafter referred to as "additional donations") for the purposes of this scheme, or for purposes connected therewith and such additional donations shall be applied in accordance with the directions of the respective testators or donors. In the absence of any specific direction relating thereto, the governing body shall apply any additional donations to the capital or income of the Fund or to both capital and income in such proportion as they think fit.

Application of income

22.—(1) The governing body shall in each financial year pay from the income of the Fund the necessary expenses of management and other outgoings affecting the Fund.

(2) The governing body, after fulfilling the provisions of the foregoing subsection, shall apply in each financial year the remaining balance of income in fulfilling the provisions of sections 23 to 25 inclusive in the following manner—

They shall divide the said balance of income into three equal parts. Two of the said parts shall be applied to students or graduates at or graduates of the University of Glasgow and the remaining part shall be applied to students or graduates at or graduates of the University of Strathclyde.

(3) If there is an unexpended balance of income at the end of any financial year the governing body shall carry the said balance or part thereof forward to the following financial year or shall add the said balance or part thereof to the capital of the Fund.

PART V
PURPOSES OF THE FUND

Scholarships

23.—(1) The governing body may award in each financial year scholarships of such annual value as they think fit to persons who have graduated at the University of Glasgow or the University of Strathclyde and are proceeding to undertake research work or advanced or special study at a university in the United Kingdom or abroad.

(2) Each scholarship shall be tenable for a period of two years but it shall be in the power of the governing body to extend the period of tenure in any case in which they consider such extension to be justified.

Bursaries

24.—(1) The governing body may award in each financial year bursaries of such annual value as they think fit to students entering a faculty of the University of Glasgow or the University of Strathclyde for the first time who have not previously been matriculated students of a university.

(2) Each bursary shall be tenable for such number of years as is necessary to enable the holder to graduate and it shall be in the power of the governing body to extend if necessary the period of tenure in any case in which they approve of the holder proceeding to graduation with honours.

Grants for second or subsequent degrees

25.—(1) The governing body may make grants to graduates of the University of Glasgow or the University of Strathclyde to enable them to obtain a second or subsequent degree at a university in the United Kingdom or abroad.

(2) The governing body may also make grants to graduates of any university to enable them to obtain a second or subsequent degree at the University of Glasgow or the University of Strathclyde.

Conditions of award of scholarships, bursaries and grants

26. When awarding scholarships, bursaries or grants under sections 23 to 25 inclusive the governing body—

- (a) shall satisfy themselves by such means as they think fit of the attainment, merit and promise of each candidate to whom they make an award;
- (b) shall satisfy themselves that the candidate is a Protestant, and
- (c) shall associate the name of Clark of Mile-End with each award made under this scheme.

Limitation of value of awards

27. The amount of any award under this scheme to a person who holds, or is to hold, a scholarship or other allowance which is paid out of monies provided by Parliament or out of any fund aided by grants from Parliament, shall not be such as may cause the said scholarship or other allowance to be reduced.

Termination of awards

28. The governing body shall require the holder of any award under this scheme to satisfy them that he is making satisfactory progress in his course of study and if in their opinion any such holder be guilty of serious misconduct or shall fail to make reasonable progress the governing body may terminate the award or suspend the holder from the benefits thereof for such periods as they may think fit and their determination in such cases shall be final.

PART VI

MISCELLANEOUS AND GENERAL PROVISIONS

Continuation of benefits

29. Any person who at 26th March 1974 is a beneficiary under the endowment to which this scheme relates shall continue to enjoy the benefit thereof subject always to the conditions under which it was awarded.

Copies of scheme

30. The governing body shall maintain a supply of printed copies of this scheme and shall cause a copy to be kept available for inspection by any member or officer of the governing body and copies shall be available for sale to the public at a reasonable price.

Given under the seal of the Secretary of State for Scotland.

J. F. McClellan,
Assistant Secretary.

Scottish Education Department,
St Andrew's House,
Edinburgh.
26th March 1974.

Section 19

SCHEDULE

PARTICULARS OF THE ENDOWMENT TO WHICH THIS SCHEME RELATES

<i>Name of Endowment</i> (1)	<i>Founder</i> (2)	<i>Governing Instrument</i> (3)
Clark Bursary Fund	John Clark, Junior, Thread Manufacturer, Mile End, Glasgow	Trust Disposition and Deed of Settlement dated 30 June 1866 and Constitution dated 1 August 1866 both registered in the Books of Council and Session on 19 December 1868 and as amended by Decrees of the Court of Session dated 5 February 1903, 19 July 1924 and 4 November 1953.

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