

1977 No. 140 (S.25)

EDUCATION, SCOTLAND

The Melville College Field Trust Scheme 1977

Made - - - - 26th January 1977

Coming into Operation 26th January 1977

ARRANGEMENT OF PARAGRAPHS

*Paragraph*

1. Citation
2. Interpretation
3. Transfer and vesting of the endowments
4. Transfer of deeds, etc.
5. Administration of Melville College Field Trust
6. Copies of scheme

SCHEDULE—Particulars of endowments 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(2) 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 Melville College Field Trust,
- (b) carrying out the procedure specified in section 125(1) of the said Act, and
- (c) no objections or proposed amendments to the draft scheme having been received by him,

the Secretary of State hereby makes the following scheme:—

*Citation*

1. This scheme may be cited as the Melville College Field Trust Scheme 1977.

*Interpretation*

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

“Board” means the Merchant Company Education Board incorporated by section 9 of the Order of 1909, reconstituted by section 2 of the Scheme of 1931, and continued by sections 1 and 2 of Edinburgh Merchant Company Educational Endowments Scheme 1960.

“Melville College Field Trust” means the Trusts set up in the Disposition granted by the Trustees of the late Mrs. Beatrice Margaret Roper Boswall or Gregorson with consents in favour of Sir Malcolm Smith,

K.B.E., and others as Trustees therein mentioned dated 1st, 5th and 20th October 1927 and registered in the Division of the General Register of Sasines applicable to the County of Edinburgh as also in the Books of Council and Session on 21st October 1927, in the Disposition by The Salvation Army Trustee Company with consent in favour of David Douglas Curr and others as Trustees therein mentioned dated 5th April and 4th May and registered in the Division of the General Register of Sasines applicable to the County of Midlothian on 8th May as also in the Books of Council and Session on 28th July all in the year 1961 and in the Feu Disposition by The Corporation of the City of Edinburgh with consent in favour of David Douglas Curr and others as Trustees therein mentioned dated 19th and 24th July and registered in the Division of the General Register of Sasines applicable to the County of Midlothian on 28th July as also in the books of Council and Session on 13th October all in the year 1961.

“School” means Daniel Stewart’s and Melville College.

“School Company” means the school company known as Melville College registered under the Companies Act 1948 and incorporated under Memorandum and Articles of Association dated 31st December 1954.

“Trustees” means the Trustees of Melville College Field Trust.

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

#### *Transfer and vesting of the endowments*

3.—(1) From and after 26th January 1977 the properties, heritable and moveable specified and described in the Schedule to this scheme together with all rights, interests and liabilities therein shall be and are hereby transferred to and vested in the Merchant Company Education Board without the necessity of any new instrument or conveyance, and shall be held and administered by the Board in accordance with the conditions and provisions of paragraph 5 of this scheme.

(2) Without prejudice to anything contained in the foregoing sub-paragraph, the Board may complete title to any part of the heritable property transferred to them by virtue of this paragraph and this scheme shall be deemed to be and may be used as a title or as a midcouple or link of title in accordance with the provisions of section 5(1) of the Conveyancing (Scotland) Act 1924(b).

#### *Transfer of deeds, etc.*

4.—(1) The Trustees shall as soon after 26th January 1977 as may conveniently be arranged hand over to the Board all cash balances to which they have right together with all books, deeds and papers which relate wholly or mainly to the endowments referred to in paragraph 3(1).

(2) The Board shall discharge the lawful debts of the endowments vested in them by paragraph 3(1):

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(a) 1889 c. 63.

(b) 1924 c. 27.

Provided that the liability of the Board shall be limited to the amount which can be realised from the assets of the endowments and the Board shall grant the Trustees a discharge of their intrusions after the accounts of the endowments have been audited and found correct.

*Administration of Melville College Field Trust*

5.—(1) The Board shall maintain the Ferryfield Playing Field for the purposes of education and athletics for the benefit of the pupils attending the school and may allow the said facilities to be used by former pupils on such conditions as they may determine.

(2) The Board shall not be entitled to sell the heritable property or part thereof unless for the purpose of providing another playing field. Where such a playing field is provided it shall be used for the purposes set out in sub-paragraph 1 above.

(3) Subject to the proviso contained in sub-paragraph (2) above, the Board shall administer the playing field in conformity with the provisions of the Edinburgh Merchant Company Educational Endowments Scheme 1960.

*Copies of scheme*

6. The Board shall ensure that a copy of this scheme is kept available for inspection by any member or officer of the Board and copies shall be made available 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,  
New St. Andrew's House,  
Edinburgh.  
26th January 1977.

## SCHEDULE

## PARTICULARS OF THE ENDOWMENTS TO WHICH THIS SCHEME RELATES

<i>Name of Properties and Endowment</i> (1)	<i>Founders</i> (2)	<i>Governing Instrument</i> (3)
<p>Melville College Field Trust consisting of the heritable properties hereinafter described—</p> <p>(1) All and whole that area or piece of ground part of the lands of Wardie called Windlestrawlee Farm containing twelve acres or thereby lying to the North of the Ferry Road.</p> <p>(2) All and whole that area or piece of ground in the City of Edinburgh and County of Midlothian extending to two acres and six hundred and forty eight decimal or one-thousandth parts of an acre or thereby.</p> <p>(3) All and whole that piece of ground in the City of Edinburgh and County of Midlothian extending to eleven decimal or one-hundredth parts of an acre or thereby.</p>	<p>Subscribers and helpers to the Edinburgh Institution New Field Bazaar and others.</p>	<p>(1) Disposition by the testamentary Trustees of the late Mrs. Beatrice Margaret Roper Boswall or Gregorson with consents in favour of Sir Malcolm Smith, K.B.E., and others as Trustees therein mentioned dated 1st, 5th and 20th October 1927 and registered in the Division of the General Register of Sasines applicable to the County of Edinburgh as also in the Books of Council and Session on 21st October 1927.</p> <p>(2) Disposition by The Salvation Army Trustee Company with consent in favour of David Douglas Curr and others as Trustees therein mentioned dated 5th April and 4th May and registered in the Division of the General Register of Sasines applicable to the County of Midlothian on 8th May as also in the Books of Council and Session on 28th July, all in the year 1961.</p> <p>(3) Feu Disposition by The Corporation of the City of Edinburgh with consent in favour of David Douglas Curr and others as Trustees therein mentioned dated 19th and 24th July and registered in the Division of the General Register of Sasines applicable to the County of Midlothian on 28th July as also in the Books of Council and Session on 13th October all in the year 1961.</p>

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STATUTORY INSTRUMENTS

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1977 No. 141 (L.1)

JUDGMENTS

**The Judgment Debts (Rate of Interest) Order 1977**

*Made* - - - - 28th January 1977  
*Laid before Parliament* 8th February 1977  
*Coming into Operation* 1st March 1977

The Lord Chancellor, in exercise of the powers conferred on him by section 44 of the Administration of Justice Act 1970(a) and with the concurrence of the Treasury, hereby makes the following Order:—

1.—(1) This Order may be cited as the Judgment Debts (Rate of Interest) Order 1977 and shall come into operation on 1st March 1977.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. In relation to any judgment entered up after the coming into operation of this Order, section 17 of the Judgments Act 1838(c), as amended (d), shall be further amended so as to substitute for the rate specified in that section, as the rate at which judgment debts shall carry interest, the rate of 10 per cent. per annum.

Dated 26th January 1977.

*Elwyn Jones, C.*

We concur.

Dated 28th January 1977.

*T. E. Graham,  
David Stoddart,*

Two of the Lords Commissioners  
of Her Majesty's Treasury.

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EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order increases from 7½% to 10% per annum the rate of interest on judgment debts under section 17 of the Judgments Act 1838.

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(a) 1970 c. 31. (b) 1889 c. 63. (c) 1838 c. 110. (d) S.I. 1971/491 (1971 I, p. 1446).

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