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STATUTORY INSTRUMENTS

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1979 No. 760 (S. 67)

EDUCATION, SCOTLAND

The Scott Educational Bequest Scheme 1979

*Made* - - - - 27th June 1979

*Coming into Operation* 27th June 1979

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SCHEDULE—Particulars of endowment to which this scheme relates.

In exercise of the powers conferred on him by sections 118(1) and 125(2) of the Education (Scotland) Act 1962(a) 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 Scott Educational Bequest,
- (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 Scott Educational Bequest Scheme 1979.

*Interpretation*

2. In this scheme, unless the context otherwise requires:—

“endowment” means the Scott Educational Bequest; and

“governing body” means the Cathedral Board of the Cathedral Church of St. Mary, Edinburgh.

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(a) 1962 c. 47; section 125 was substituted by the Education (Scotland) Act 1969 (c. 49), section 19.

### *Vesting of endowment*

3. From and after 27th June 1979 the endowment known as the Scott Educational Bequest which is described in the Schedule to this scheme shall continue to be vested in the Cathedral Board of the Cathedral Church of St Mary, Edinburgh as the governing body of the said endowment and shall be held and administered by them exclusively in accordance with the provisions of this scheme.

### *Business arrangements*

4. The business of the endowment shall be conducted in accordance with the ordinary rules and practice of the governing body.

### *Rules and standing orders*

5. It shall be in the power of the governing body to make such rules and standing orders as they think fit for the exercise of their functions under this scheme, provided that the said rules and standing orders shall not be inconsistent with the provisions of this scheme.

### *Powers of investment*

6.—(1) It shall be in the power of the governing body to invest capital and to change the investments in which capital is invested, in such manner as they think fit. Before exercising these powers they shall obtain and consider proper advice.

(2) It shall be in the power of the governing body to retain any investments in which capital is invested. The governing body shall review their investments at regular intervals and may hold such additional reviews as they consider desirable. For the purpose of such reviews they shall obtain and consider proper advice.

(3) For the purpose of this paragraph “proper advice” means the advice of a person, other than an officer of the governing body, who is reasonably believed by the governing body to be qualified by his ability in, and practical experience of, financial matters to advise the governing body on the exercise of their powers under this paragraph.

### *Application of income*

7.—(1) The governing body after paying the necessary expenses of management and the burdens and taxes affecting the endowment shall apply the free annual income of the endowment in executing the purposes of this scheme.

(2) If at the end of any financial year there is an unexpended balance of income, it shall be in the power of the governing body to carry the said balance or part thereof forward to the following financial year or to add the said balance or part thereof to the capital of the endowment.

### *Purpose of bequest*

8.—(1) The governing body shall award grants in such manner for such period or periods and of such amounts as they may from time to time determine, towards the education, including in particular the musical education and training, of any person under the age of eighteen who is a member of or has been offered a place in the Choir of the Cathedral Church of St. Mary, Edinburgh.

(2) The governing body may grant a preference to any eligible person nominated by the Vestry of St. James' Episcopal Church, Inverleith Row, Edinburgh, provided that the value of such preference shall not exceed 25% of the free income of the endowment in any one year.

*Limitation of value of awards*

9. 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.

*Withdrawal of awards*

10. The governing body shall require the holders of awards made under paragraph 8 to satisfy them that they are either making satisfactory progress in their course of study or taking proper advantage of the award, as appropriate. If in the opinion of the governing body any such holder shall be guilty of serious misconduct, or shall fail either to make reasonable progress or to take sufficient advantage of the award, the governing body may withdraw the award or suspend the holder from its benefits and the decision of the governing body shall be final.

*Continuation of benefits*

11. Any person who at 27th June 1979 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.

*Additional donations*

12. It shall be in the power of the governing body to receive donations, legacies, annuities, subscriptions and other gifts (hereinafter referred to as "additional donations") for the purposes of this scheme, or for purposes connected therewith. 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 add any additional donation to the capital or income of the endowment or in such proportions as they think fit to both the capital and income.

*Copies of scheme*

13. 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 sold to the public at a reasonable price.

*Revocation*

14. The Scott Educational Bequest Scheme 1930 shall cease to have effect on 27th June 1979.

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

*W. A. P. Weatherston,*  
Assistant Secretary

Scottish Education Department,  
New St. Andrew's House,  
Edinburgh.  
27th June 1979.

## SCHEDULE

### PARTICULARS OF ENDOWMENT TO WHICH THIS SCHEME RELATES

| Name of Endowment             | Founder                     | Governing Instrument  |
|-------------------------------|-----------------------------|---|
| The Scott Educational Bequest | Colonel Francis James Scott | The Scott Educational Bequest Scheme 1930, approved by His late Majesty King George V in Council on 27th March 1931 |

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