

1979 No. 81 (S.I.)

EDUCATION, SCOTLAND

James Hamilton's Trust Scheme 1979

Made - - - - 23rd January 1979

Coming into Operation 23rd January 1979

ARRANGEMENT OF PARAGRAPHS

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SCHEDULE—Particulars of 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(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 James Hamilton's 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 James Hamilton's Trust Scheme 1979.

Interpretation

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

“Trust” means James Hamilton's Trust described in the schedule to this scheme.

“Trustees” means James Hamilton's Trustees as defined in paragraph 3 of this Scheme.

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

(a) 1962 c. 47.

(b) 1969 c. 49.

(c) 1889 c. 63.

James Hamilton's Trustees

3. The following persons, ex-officio, or their successors in office, shall be known as James Hamilton's Trustees:—

- (a) The Secretary of the Church of Scotland Home Board; and
- (b) The Principal of New College, Edinburgh.

Vesting of endowment

4. From and after 23 January 1979 the endowment known as James Hamilton's Trust which is described in the schedule to this scheme shall be vested in the Trustees and shall be held and administered by them exclusively in accordance with the provisions of this scheme.

Application of income

5.—(1) After paying all the necessary expenses of management and other outgoings affecting the Trust, the Trustees shall apply in each financial year as nearly as possible the whole of the free income of the Trust in awarding Hamilton Scholarships in accordance with the provisions 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 Trustees 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 Trust.

Hamilton Scholarships

6.—(1) The Trustees shall, in each financial year, award Hamilton Scholarships of such annual value and for such number of years as they think fit to Ministers of the Church of Scotland and candidates for the Ministry of the Church of Scotland, who are attending courses at New College, Edinburgh.

(2) The scholarships shall be awarded to students of merit, on the recommendation of the Senate of New College and such recommendations shall be based on standards set by the Senate from time to time, with the approval of the Trustees.

(3) If the Senate and the Trustees are of the opinion that no student merits an award in any year, no award shall be made in that year.

Limitation of value of awards

7. The amount of any award made 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 will cause the said scholarship or allowance to be reduced.

Withdrawal of awards

8. The Trustees shall require the holder of any award made under this scheme to satisfy them that he is making satisfactory progress in his course of study. If in the opinion of the Trustees any such holder shall be guilty of serious misconduct or shall fail to make reasonable progress, the Trustees may withdraw the award or suspend the holder from its benefits and the decision of the Trustees shall be final.

Regulations

9. Subject to the provisions of this scheme, the Trustees may make such regulations as they think fit for the exercise of their functions under this scheme.

Continuation of benefits

10. Any person who at 23 January 1979 is a beneficiary under the endowment to which this scheme relates shall continue to enjoy the benefit thereof subject to fulfilling the conditions under which the award was made.

Copies of scheme

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

Revocation

12. James Hamilton's Trust Scheme 1954 shall cease to have effect on 23 January 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.
23 January 1979.

Paragraph 4

SCHEDULE

PARTICULARS OF THE ENDOWMENT TO WHICH THIS SCHEME RELATES

<i>Name of Endowment</i>	<i>Founder</i>	<i>Governing Instruments</i>
James Hamilton's Trust	James Hamilton Esq. of Ninewar and Bangour and his wife, the Honourable Mary Maule or Hamilton.	(1) Joint Codicil dated 15th April 1847, to the Mutual Trust Disposition and Settlement by James Hamilton, Esq., of Ninewar and Bangour and the Honourable Mary Maule or Hamilton, Spouse, dated 25th March 1842, and with a further Codicil dated 20th April 1847, all registered in the Books of Council and Session on 10th March 1851; and (2) James Hamilton's Trust Scheme 1954, approved by Her Majesty Queen Elizabeth in Council on 1st February 1955.