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STATUTORY INSTRUMENTS

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1979 No. 82 (S.2)

EDUCATION, SCOTLAND

Dick Bequest Trust Scheme 1979

*Made - - - -* 26th January 1979

*Coming into Operation* 26th January 1979

ARRANGEMENT OF PARAGRAPHS

PART I

CITATION AND INTERPRETATION

Paragraph

1. Citation.
2. Interpretation.

PART II

CONSTITUTION OF THE GOVERNING BODY

3. Reconstitution of the governing body.
4. Composition of the governing body.
5. Election of governors.
6. Periods of office.
7. Resignations, etc.
8. Re-election.
9. Vacancies.
10. Validity of proceedings of the governing body.
11. Execution of deeds.
12. Transitional arrangements.

PART III

ADMINISTRATIVE ARRANGEMENTS

13. Chairman.
14. Committees.
15. Administrative staff.
16. Meetings of the governing body.
17. Quorum of the governing body.
18. Rules and standing orders.

PART IV

VESTING AND FINANCIAL ARRANGEMENTS

19. Vesting of endowment.
20. Additional donations.
21. Powers of investment.
22. Application of income.

PART V  
PURPOSES OF THE TRUST

23. Grants to teachers.
24. Grants to assist in the improvement of educational facilities.
25. Limitation of value of awards.
26. Termination of awards.

PART VI  
MISCELLANEOUS AND GENERAL PROVISIONS

27. Continuation of benefits.
28. Copies of scheme.
29. Revocation.

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(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 Dick Bequest 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:—

PART I  
CITATION AND INTERPRETATION

*Citation*

1. This scheme may be cited as the Dick Bequest Trust Scheme 1979.

*Interpretation*

- 2.—(1) In this scheme, unless the context otherwise requires—  
“area of benefit” means:

- (a) the area comprising the Grampian Region but excluding the District of the City of Aberdeen and excluding the former County of Kincardine in the District of Kincardine and Deeside; and
- (b) the area comprising the former County of Moray and the former Parishes of Abernethy and Duthill all lying within the Badenoch and Strathspey District of the Highland Region;

“governing body” means “The Dick Bequest Trust” as constituted and incorporated in the Scheme of 1956 and as reconstituted under paragraph 3 of this scheme;

“Scheme of 1956” means the Dick Bequest Trust Scheme 1956 approved by Her Majesty Queen Elizabeth II in Council on 9th October 1956;

“teacher” means a teacher registered or provisionally registered by the General Teaching Council for Scotland who for the time being is engaged

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(a) 1962 c. 47.

(b) 1969 c. 49.

in teaching pupils undergoing nursery, primary or secondary education within the area of benefit;

“Trust” means the endowment administered by “The Dick Bequest 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 other enactment or scheme or as contained in any other enactment or scheme substituted for that enactment or scheme.

## PART II

### CONSTITUTION OF THE GOVERNING BODY

#### *Reconstitution of the governing body*

3.—(1) For the purpose of carrying this scheme into effect the governing body constituted and incorporated under the Scheme of 1956 under the name of “The Dick Bequest Trust” shall be and is hereby reconstituted under the said name as a body corporate with perpetual succession and a common seal, and with all rights, powers and privileges of a body corporate.

(2) The governing body reconstituted under the preceding sub-paragraph shall if so requested grant the governing body in office on 26th January 1979 a discharge of their intromissions.

#### *Composition of the governing body*

4. The governing body shall consist of ten elected governors, that is to say:—

- (a) Five persons to be elected by the Society of Writers to Her Majesty’s Signet;
- (b) Two persons to be elected by the Senatus Academicus of the University of Aberdeen;
- (c) Three persons of experience in education to be elected by Grampian Regional Council; one residing in each of the three Districts of Gordon, Banff and Buchan, and Moray.

#### *Election of governors*

5. The election of governors under paragraph 4 shall be made by the respective electing bodies or by committees thereof to whom the power to elect has been delegated, either at ordinary meetings or at meetings summoned expressly for the purpose which shall be convened and conducted according to the ordinary rules and practice of the respective bodies.

#### *Periods of office*

6. Subject to the provision of paragraph 7, each governor shall hold office for a period of five years;

Provided that a governor elected 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.

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(a) 1889 c. 63.

### *Resignations, etc.*

7. Any governor who shall intimate in writing his resignation of office, or who has had his estate sequestrated or has made a trust deed for creditors, or who shall become incapacitated to act, or who shall for the space of one year and without reasonable cause fail to attend any meeting of the governing body shall be held to have vacated office.

### *Re-election*

8. Any governor on the expiry of his period of office shall, subject to the provisions of paragraph 7, be eligible for further election to the office of governor.

### *Vacancies*

9.—(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 shall be intimated by the clerk of the governing body to the body entitled under paragraph 4 to elect a successor. In the case of a vacancy caused by the expiry of the normal term of office, the 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. The intimation shall request the body concerned to elect a successor within three months of its receipt.

(3) If the body entitled to elect a governor fails to do so within the said period of three months, it shall be in the power of the governing body to appoint a successor provided that the person appointed shall be a person eligible to be elected by the said electing body. Any appointment under this sub-paragraph shall be deemed to be an election by the body entitled to make the election.

### *Validity of proceedings of the 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 governors, subject always to the provisions of paragraph 17.

### *Execution of deeds*

11. All deeds and other writings, sealed with the common seal and signed by one of the governors and their clerk or other officer appointed for the purpose, shall be held to be validly executed on behalf of the governing body.

### *Transitional arrangements*

12.—(1) The governors in office on 26th January 1979 shall remain in office and shall continue to administer the Trust until the first meeting of the governing body held under this scheme.

(2) The clerk of the governing body shall ensure that as far as practicable all governors are elected prior to the first meeting. Not less than three nor more than four months after 26th January 1979 the clerk of the governing body shall convene the first meeting of the governing body by sending a notice either to each member or, if the names of such members have not been intimated to him, to the bodies entitled to elect governors.

(3) At their first meeting the governing body shall have power, notwithstanding the provisions of paragraph 6, to determine the date of expiry of the terms of the governors in office at the date of that meeting.

### *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. They may make such arrangements under paragraph 18 of this scheme as they think fit for filling his place in the case of his absence.

### *Committees*

14.—(1) 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.

(2) The governors may appoint as additional members of any committee persons not being members of the governing body whom the governors deem specially fitted to assist in the work of such committee and any persons so appointed shall hold office for such period as the governors may determine.

## PART III

### ADMINISTRATIVE ARRANGEMENTS

#### *Administrative staff*

15.—(1) The governing body may appoint a clerk or factor or such other officers as they consider necessary, at such reasonable salaries and under such conditions of service as they may determine.

(2) Any officer of the governors whose duties include intromissions with the funds vested in the governors shall find such caution for his intromissions as the governors may require.

(3) A governor acting as clerk, factor or other officer of the Trust shall not be entitled to any remuneration.

#### *Meetings of the governing body*

16.—(1) The governing body shall hold at least two ordinary meetings 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 two 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 of 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.

(5) Notwithstanding the provisions of sub-paragraph (4) above, the chairman or any governor duly authorised by the chairman may convene a meeting on less than seven days' notice. No resolution or motion carried at such a meeting shall be valid unless it is voted for by a majority of the governors then in office or it is confirmed by a subsequent meeting convened under the provisions of sub-paragraph (4) above.

#### *Quorum of the governing body*

17.—(1) At all meetings of the governing body four shall form a quorum and, subject to the provisions of paragraph 16(5), all questions shall be deter-

mined by a majority of the governors present. In any case where there is an 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 provisions of paragraph 16(4) shall apply.

#### *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 and such other matters connected with the business of the governing body as they think fit.

### PART IV

#### VESTING AND FINANCIAL ARRANGEMENTS

##### *Vesting of endowment*

19. From and after 26th January 1979 the endowment known as "The Dick Bequest Trust", which is described in the schedule to this scheme shall be vested in the governing body to be held, administered and applied by them exclusively in accordance with the provisions of this scheme.

##### *Additional donations*

20. 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 other charitable 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 directions relating thereto the governing body shall apply any additional donation to the capital or the income of the Trust or in such proportions as they think fit to both the said capital and income.

##### *Powers of investment*

21. The governing body shall have the powers of investment applicable to trustees under the Trustees Investment Act 1961.

##### *Application of income*

22.—(1) The governing body after paying the necessary expenses of management and the burdens and taxes affecting the Trust, and after paying any benefits to persons entitled under paragraph 27 of this scheme, shall in each financial year apply as nearly as possible the whole of the free income of the Trust in the following manner—

- (a) they shall apply not less than two-thirds of the free income in executing the purposes of paragraph 23 of this scheme;
- (b) they shall apply not more than one-third of the free income in executing the purposes of paragraph 24 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 Trust.

PART V  
PURPOSES OF THE TRUST

*Grants to teachers*

23.—(1) It shall be in the power of the governing body to make grants to any person employed as a teacher in the area of benefit to enable such a teacher to undergo a course of study, to travel either in Great Britain or abroad for any purpose of an educational nature, or to pursue any other activity which, in the opinion of the governing body, is likely to improve the applicant's efficiency as a teacher. In making any such grant the governing body shall have regard to any observations made by the Director of Education of the area in which the applicant is serving. In determining the amount of any grant the governing body shall take into consideration, where appropriate, any family responsibilities or other commitments of the teacher.

(2) Without prejudice to the generality of the powers of the governing body under the last foregoing sub-paragraph, the purposes for which grants are made may include the following: pursuit of a course of study leading to a further qualification or degree, attendance at a vacation class or summer school, taking a sessional or correspondence course, the purchase of books, and participation in a teachers' exchange scheme and in educational experiments and research.

*Grants to assist in the improvement of educational facilities*

24.—(1) The governing body may at its discretion make grants including grants for capital works, to the Grampian Regional Council and to the Highland Regional Council as Education Authorities:—

- (a) to provide or assist in the provision of special equipment for schools within the area of benefit;
- (b) for any other purpose, which in the opinion of the governing body will enhance the quality of nursery, primary or secondary education within the area of benefit.

(2) Such grants made under the above sub-paragraph shall not be applied in the relief of expenditure which the said Councils may reasonably be expected to incur out of public funds.

*Limitation of value of awards*

25. 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 may cause the said scholarship or other allowance to be reduced.

*Termination of awards*

26.—(1) 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.

(2) The governing body may require any person or body to whom a grant is made to submit a report on the use of that grant, and shall have power to require repayment of that grant, either in whole or in part, if it is not satisfied that the money has been used for the purpose for which it was awarded.

## PART VI

### MISCELLANEOUS AND GENERAL PROVISIONS

#### *Continuation of benefits*

27. Any person who at 26th 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*

28. 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.

#### *Revocation*

29. Subject to the provisions of paragraph 12(1) of this scheme the Dick Bequest Trust Scheme 1956 shall cease to have effect on 26th 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.  
26th January 1979.

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### SCHEDULE

*Paragraph 19*

#### PARTICULARS OF THE ENDOWMENT TO WHICH THIS SCHEME RELATES

Name of Endowment	Founder	Governing Instrument
The Dick Bequest Trust	James Dick of Finsbury Square, London	The Dick Bequest Trust Scheme 1956 approved by Her Majesty Queen Elizabeth II in Council on the 9th October 1956.

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