

1981 No. 1858 (S.192)

EDUCATION, SCOTLAND

The Speyside House Trust Scheme 1981

Made - - - - 23rd December 1981

Coming into Operation 23rd December 1981

ARRANGEMENT OF PARAGRAPHS

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SCHEDULE—Particulars of the endowments to which this scheme relates.

In exercise of the powers conferred upon him by sections 105(1) and 112(2) of the Education (Scotland) Act 1980(a) and all other powers enabling him in that behalf and after

- (a) preparing a draft scheme for the future management of the endowments known as Speyside House (formerly Speyside Charity School), the Macbean Holiday Fund, the Duncan Bequest and the Fairweather Bequest,
- (b) carrying out the procedure specified in section 112(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 Speyside House Trust Scheme 1981.

Interpretation

- 2.—(1) In this scheme, unless the context otherwise requires:—
“governing body” means the governors of the Speyside House Trust constituted in terms of paragraph 3 of this scheme;
“trust” means the Speyside House Trust constituted in terms of paragraph 5 of this scheme;

“Declaration of Trust” means the Declaration of Trust and Deed of Covenant between Sir James Grant of Grant and Others of the one part and the Executors of the late Dame Jane Grant of the other part, dated 10th August 1795, as amended by Provisional Order dated 16th March 1880 and further amended by Decree of the Court of Session dated 26th October 1916;

“Feu charter” means the Feu Charter by the Rt Hon Nina Caroline Ogilvie Grant, Countess of Seafield, dated 21st and 26th September 1956 and recorded in the General Register of Sasines for the County of Moray on 8th March 1957.

(2) Reference in this scheme to a paragraph or schedule shall, except where the context otherwise requires, be construed as references to a paragraph of or the schedule to this scheme as the case may be.

Re-constitution of governing body

3.—(1) For the purpose of carrying this scheme into effect the governing body constituted under the Declaration of Trust as read with the Feu Charter shall be and is hereby re-constituted under the name of “the Governors of the Speyside House Trust” with perpetual succession and a common seal and with all rights, powers and privileges of a body corporate.

(2) The governing body re-constituted under the preceding sub-paragraph shall if so requested grant to the governing body in office on the coming into operation of this scheme a discharge of their intromissions.

Change in composition of governing body

4. The composition of the governing body shall be and is hereby changed, and it shall consist of the following four persons, that is to say:—

The Reverend Dr Joseph Grant, The Larches,
Skye of Curr, By Grantown-on-Spey

The Reverend James Henderson Taylor Boyd,
Eynhallow, Newtonmore

Miss Eleanor Jane Lois Hill, Achnacaille,
Grantown-on-Spey, and

Sir Ewan Macpherson-Grant, Pitchroy Lodge,
Blacksboat, Ballindalloch

Vesting and amalgamation of endowments

5. From and after the coming into operation of this scheme the endowments named and described in the schedule shall be vested in the governing body and shall be amalgamated to form one endowment under the name of the Speyside House Trust, which shall be held, administered and applied by them exclusively in accordance with the provisions of this scheme.

Rules and standing orders

6. Subject to the provisions of this scheme, the governing body shall 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.

Administrative staff

7. The governing body shall appoint a secretary and may appoint such other officers as they consider appropriate at such reasonable salary and under such conditions of service as they may determine.

Disposal of heritable property

8. The governing body shall have power to sell for value the property heritable or moveable held by them under this scheme, and shall exercise such power as soon as conveniently possible after the coming into operation of this scheme, the proceeds to be added to the capital of the trust.

Transfer of funds etc

9. As soon as can conveniently be arranged after the implementation of the provisions of paragraph 8, the governing body shall transfer to the Church of Scotland's Committee on Social Responsibility constituted by deliverance of the General Assembly of the Church of Scotland 1975 all capital sums, cash balances, books, deeds and papers to which they have right as governing body. As a condition of such payment or transfer the said Committee shall discharge such lawful debts of the trust as remain unpaid by the governing body and shall, after satisfactory examination and audit of the accounts, grant to the governing body a discharge of their intromissions with the funds of the trust.

Dissolution of governing body

10. The incorporation named "the Governors of the Speyside House Trust" shall be dissolved and shall cease to exist as from the date of the discharge granted to it under paragraph 9.

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

Alastair D. F. Findlay,
Assistant Secretary.

Scottish Education Department,
New St Andrew's House,
Edinburgh.

23rd December 1981.

SCHEDULE

[Paragraph 5]

PARTICULARS OF THE ENDOWMENTS TO WHICH THIS SCHEME RELATES

Name of endowments (1)	Founder (2)	Governing instruments (3)
Speyside House	Dame Jane Grant	<p>Declaration of Trust and Deed of Covenant between Sir James Grant of Grant and Others of the one part and the Executors of the late Dame Jane Grant of the other part, dated 10th August 1795, amended by Provisional Order dated 16th March 1880, and further amended by Decree of the Court of Session dated 26th October 1916;</p> <p>Feu Charter by the Rt Hon Nina Caroline Ogilvie Grant, Countess of Seafield, dated 21st and 26th September 1956 and recorded in the General Register of Sasines for the County of Moray, on 8th March 1957.</p>
Duncan Bequest	William Duncan Grantown-on-Spey	Will of William Duncan dated 21st February 1924 and registered in the Books of Council and Session on 31st March 1924.
Fairweather Bequest	George Fairweather, Thurso	Will of George Fairweather dated 18th January 1973.
Macbean Holiday Fund	Francis Macbean, Waterford House	Minute of Meeting of the Governors of Speyside Charity School dated 4th April 1924.