

1981 No. 1859 (S.193)

EDUCATION, SCOTLAND

The Strathspey Trust Scheme 1981

Made - - - - 23rd December 1981

Coming into Operation 23rd December 1981

ARRANGEMENT OF PARAGRAPHS

1. Citation
2. Interpretation
3. Transfer and vesting of endowment
4. Business arrangements
5. Rules and regulations
6. Powers of investment
7. Application of income
8. Purposes of endowment
9. Copies of scheme

In exercise of the powers conferred on 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 endowment known as The Strathspey Trust,
 - (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 Strathspey Trust Scheme 1981.

Interpretation

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

“endowment” means the Strathspey Trust, formerly known as the Spey-side House Trust;

“Committee” means the Committee on Social Responsibility constituted by deliverance of the General Assembly of the Church of Scotland 1975, or such other Committee as may be appointed by the General Assembly for the management and control of the funds to be administered under this scheme;

“designated area” means the former parishes of: Inverallan (including the former burgh of Grantown-on-Spey), Advie, Cromdale and Knockando in the former county of Moray and Nairn; Duthill and Abernethy in the former county of Inverness; and Inveravon in the former county of Banff.

- (2) References in this scheme to a paragraph shall, except where the context otherwise requires, be construed as references to a paragraph of this scheme.

Transfer and vesting of endowment

3.—(1) From and after the transfer under paragraph 9 of the Speyside House Trust Scheme 1981^(a) of the funds constituting the Speyside House Trust, the said funds shall be vested in the Committee without the necessity of any other instrument or conveyance. The said funds shall be held by the Committee under the name of the Strathspey Trust and shall be administered and applied exclusively in accordance with the conditions and provisions of this scheme.

(2) Without prejudice to anything contained in sub-paragraph (1) above, any person in whose name any part of the moveable property vested in the Committee by virtue of this scheme is registered shall, if so required by the Committee, execute a transfer of the said property in favour of the Committee.

Business arrangements

4.—(1) Subject to the general supervision of the General Assembly, the endowment to be administered under this scheme shall be under the management and control of the Committee.

(2) The business of the endowment shall be conducted according to the ordinary rules and practice of the Committee.

Rules and regulations

5. It shall be in the power of the Committee to make such rules and regulations as they think fit for the exercise of their powers under this scheme, provided that the said rules and regulations shall be consistent with the provisions of this scheme.

Powers of investment

6. The Committee shall have the powers of investment applicable to trustees under the Trustee Investments Act 1961^(b), without prejudice to the right and power of the Committee to invest in the Church of Scotland Trust.

Application of income

7.—(1) The Committee, after paying the necessary expenses of management and other outgoings affecting the endowment, shall apply the free annual income of the endowment in executing the functions laid down in paragraph 8.

(2) If at the end of any financial year there is an unexpended balance of income, it shall be in the power of the Committee 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.

Purposes of endowment

8.—(1) In considering applications for admission to the children's home known as Keith Lodge, Stonehaven, the Committee shall give preference other things being equal to applications on behalf of children ordinarily resident in the designated area, if the number of applications exceeds the number of vacancies.

(a) SI 1981/

(b) 1961 c. 62.

(2) The Committee shall in any year apply such part of the free income as they think fit to provide financial assistance for applicants ordinarily resident in the designated area who, in the Committee's opinion, require such assistance to send a child to the home.

(3) In the event of there being no expenditure under sub-paragraph (2) above in any year, the Committee shall apply the free income of the endowment in that year towards the cost of maintaining, or providing facilities for, the home, and shall apply in like manner any balance of free income remaining after the exercise of their powers in sub-paragraph (2) above.

(4) In the event of the discontinuation of Keith Lodge, Stonehaven, as a children's home, it shall be in the power of the Committee to apply the free income to such other children's home managed by them as they think fit, always in accordance with the conditions laid down in sub-paragraphs (1), (2) and (3) of this paragraph.

Copies of scheme

9. The Committee 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 Committee, and copies shall be sold to the public at a reasonable price.

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

Scottish Education Department,
New St Andrew's House,
Edinburgh.
23rd December 1981.

Alastair D. F. Findlay,
Assistant Secretary.