

1981 No. 645 (S. 70)

EDUCATION, SCOTLAND

The John Wallace Trust Scheme 1981

Made - - - - 22nd April 1981

Coming into Operation 22nd April 1981

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SCHEDULE—Particulars of endowment to which this scheme relates.
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 Wallace Hall Academy 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 John Wallace Trust Scheme 1981.

Interpretation

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

“Council” means Dumfries and Galloway Regional Council acting as the governing body of the John Wallace Trust;

“trust” means the John Wallace Trust (formerly known as the Wallace Hall Academy Trust);

“area of benefit” means electoral Wards number 1 Kirkland, 2 Kello, 3 Crichton, 4 Douglas, 5 Cairn and 6 Morton, together with that part of 7 Dalswinton Ward lying outwith the parish of Dumfries, all in the local government area of Nithsdale District as established by the Local Government (Scotland) Act 1973(a) and any subsequent extension of the said wards.

(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.

Vesting of endowment

3. From and after the coming into operation of this scheme, the endowment known as the John Wallace Trust which is described in the schedule to this scheme shall continue to be vested in the Council as governing body of the said trust, to be held, administered and applied by them exclusively in accordance with the terms of this scheme.

Business arrangements

4. The business of the trust shall stand referred to the Education Committee of the Council, and the Council before exercising any power conferred upon them under this scheme shall, unless in their opinion the matter is urgent, receive and consider the report of the said Committee with respect to the matter in question, provided that it shall be in the power of the Council to delegate any or all of their said powers to the said Committee. The said business may be transacted either at ordinary meetings of the Council or of the said Committee or at meetings summoned for the purpose which shall be convened and conducted according to the ordinary rules and practice of the Council or of the said Committee.

Rules

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

Powers of investment

6. In regard to the investment of trust funds, the Council shall have all powers competent to them under the common law of Scotland as a body corporate.

Additional donations

7. It shall be in the power of the Council 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 Council shall add 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.

(a) 1973 c. 65.

Application of income

8.—(1) The Council, after paying all necessary expenses of management and other outgoings affecting the trust, shall in each financial year apply the whole of the free income of the trust, including any unexpended balance of income carried forward from the previous financial year, in fulfilment of the purposes laid down in paragraphs 9 to 12.

(2) If, notwithstanding the foregoing provisions of this paragraph, there is an unexpended balance of the free income of the trust at the end of any financial year, the Council shall carry the said balance or part thereof forward to the following financial year or shall add the said balance or part thereof to the capital of the trust.

Ferguson Prizes

9.—(1) The Council shall in each financial year transfer the sum of £50, or such other related sum as they think appropriate having regard to the rate of inflation then current, to the Rector of Wallace Hall Academy, Thornhill, for the purpose of awarding prizes to pupils of that school undertaking the course in agriculture and allied sciences, or, in the event of the said courses being discontinued, to pupils undertaking such other course or courses as may be approved by the Scottish Education Department.

(2) In awarding such prizes, the Rector shall have regard to the views of the teachers concerned. If in the opinion of the Rector and teachers concerned, no pupil merits an award in any year, it shall be in the power of the Rector to withhold the award of the prize or prizes in that year and to apply the sum to the purposes laid down in sub-paragraph (5).

(3) The name of Ferguson shall be associated with any prize awarded under this paragraph.

(4) The Rector shall submit each year to the Council an account of his intromissions with the sum paid to him under this paragraph.

(5) If the award of prizes is discontinued at Wallace Hall Academy, Thornhill, it shall be in the power of the Rector, in consultation with the teaching staff, to expend the sum involved on the promotion of projects of an educational nature within the school. Such sums shall be additional to funds which the Council as Education Authority may reasonably be expected to provide.

Agricultural bursaries

10. It shall be in the power of the Council to award bursaries to persons ordinarily resident in the area of benefit who are about to enter or are in attendance at the Barony Agricultural College, Parkgate, near Dumfries, or such other institution specialising in the teaching of Agriculture and Allied Sciences as the Council may determine. The bursary shall be of such amount and tenable for such number of years as the Council think fit. In making awards under this and the subsequent paragraph, the Council shall satisfy themselves by such means as they think fit of the attainment, merit and promise of each candidate to whom an award is made.

Bursaries for further and higher education

11.—(1) The Council shall have power to award bursaries to persons ordinarily resident in the area of benefit who are about to enter or are in attendance at a university or institution of further or higher education or who are about to register or have registered for Open University courses.

(2) The award shall be of such amount as the Council think fit and shall be tenable, subject to the provisions of paragraph 14, for such number of years as is necessary to enable the holder to complete his or her course of study. It shall be in the power of the Council to extend the period of tenure if they approve of the holder undertaking an extended course.

Travel grants

12. The Council may incur expenditure from income in making grants to persons ordinarily resident in the area of benefit to enable them to travel either in Great Britain or abroad for any purpose of an educational nature. The Council shall require applicants for such grants to submit for their approval a statement of the purposes for which the journey is to be undertaken, the places to be visited and the probable length of absence from home.

Limitation of value of awards

13. The amount of any award made under this scheme to a person who holds, or is to hold, a bursary, 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 bursary, scholarship or other allowance to be reduced.

Withdrawal of awards

14. The Council may require any person or body to whom an award has been made under this scheme to satisfy them that the award is being properly used. They may withdraw the award or suspend it for such period as they think fit, if in their opinion any beneficiary shall fail to make proper use of the award. The decision of the Council shall be final.

Copies of scheme

15. The Council shall maintain a supply of printed copies of this scheme and copies shall be available for sale to the public at a reasonable price.

Revocation

16. The Wallace Hall Academy Trust Scheme 1933 shall cease to have effect on the coming into operation of this scheme.

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.
22nd April 1981.

SCHEDULE

[Paragraph 3]

PARTICULARS OF ENDOWMENT TO WHICH THIS SCHEME RELATES

Name of Endowment	Founders	Governing Instrument
John Wallace Trust	John Wallace, Merchant, Glasgow R. C. Ferguson, London	Wallace Hall Academy Trust Scheme 1933 approved by His late Majesty King George V in Council on 9th October 1933.

STATUTORY INSTRUMENTS

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