
STATUTORY INSTRUMENTS

1981 No. 857 (S.88)

EDUCATION, SCOTLAND

The C. K. Marr Educational Trust Scheme 1981

<i>Made - - - -</i>	12th June 1981
<i>Laid before Parliament</i>	29th June 1981
<i>Coming into Operation</i>	20th July 1981

ARRANGEMENT OF PARAGRAPHS

PART I

CITATION AND INTERPRETATION

Paragraph

1. Citation
2. Interpretation

PART II

THE GOVERNING BODY

3. Reconstitution of governing body
4. Composition of governing body
5. Methods of co-option
6. Life governors
7. Periods of office
8. Vacation of office
9. Procedure on occurrence of vacancies
10. Validity of proceedings of governing body
11. Execution of deeds
12. Transitional arrangements

PART III

ADMINISTRATIVE ARRANGEMENTS

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

PART IV
VESTING AND FINANCIAL ARRANGEMENTS

20. Vesting of endowment
21. Powers of investment
22. Additional donations
23. Capital expenditure
24. Lease of Marr College
25. Disposal of property
26. Application of income

PART V
PURPOSES OF TRUST

27. Educational resources centre
28. Bursaries for secondary and further education
29. Bursaries for higher education
30. Post-graduate scholarships
31. Assistance in obtaining practical experience of trades
32. Travel grants
33. Grants for the handicapped
34. Prizes
35. General conditions for awards
36. Withdrawal of bursaries
37. Limitation of value of awards

PART VI
MISCELLANEOUS AND GENERAL PROVISIONS

38. Continuation of benefits
39. Copies of scheme
40. Revocation.

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

In exercise of the powers conferred on him by sections 105(1) and 112(5) 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 C. K. Marr Educational Trust,
- (b) carrying out the procedure specified in section 112(1) of the said Act,
- (c) receiving and considering objections or proposed amendments to the draft scheme,
- (d) framing a scheme under section 112(3) of the said Act to take account of the objections or proposed amendments received,
- (e) carrying out the procedure specified in section 112(4) of the said Act, and

(a) 1980 c. 44.

(f) receiving a petition praying that the scheme be laid before Parliament in accordance with the procedure specified in section 112(6),
the Secretary of State hereby makes the following scheme:—

PART I

CITATION AND INTERPRETATION

Citation

1. This scheme may be cited as the C. K. Marr Educational Trust Scheme 1981 and shall come into operation on 20th July 1981.

Interpretation

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

“governing body” means the Trustees of the C. K. Marr Educational Trust as reconstituted under paragraph 3 of this scheme;

“governor” means a member of the governing body known as the Trustees of the C. K. Marr Educational Trust;

“Trust” means the C. K. Marr Educational Trust;

“area of benefit” means the former Burgh of Troon (which for the purposes of this scheme shall be deemed to include the districts of Loans and Southwood) and any extensions to the Burgh or those districts;

“Agreement” means the Minute of Agreement among Strathclyde Regional Council, the Trustees of the C. K. Marr Educational Trust and the Board of Governors of Marr College, Troon, dated 26 and 31 October 1977, registered in the Books of Council and Session on 11 November 1977, which came into effect on 6 March 1978.

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

PART II

THE GOVERNING BODY

Reconstitution of governing body

3.—(1) For the purpose of carrying this scheme into effect and subject to the provisions of paragraph 12, the governing body reconstituted by the C. K. Marr Educational Trust Scheme 1978(a) under the name of “The Trustees of the C. K. Marr Educational 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 the 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 the coming into operation of this scheme a discharge of their intromissions.

Composition of the governing body

4.—(1) The governing body shall consist of twelve appointed governors, two co-opted governors and life governors for the time being, that is to say:—

(a) one person to be appointed by the Kyle and Carrick District Council, chosen from members of the District Council representing the area of benefit;

(a) S.I. 1978/372.

- (b) one person resident in the area of benefit to be appointed by Kyle and Carrick District Council;
- (c) a minister having a charge within the area of benefit to be appointed by the Presbytery of Ayr;
- (d) one person to be appointed by the Senatus Academicus of the University of St. Andrews;
- (e) one person to be appointed by the Senatus Academicus of the University of Glasgow;
- (f) one person to be appointed by the Senatus Academicus of the University of Edinburgh;
- (g) one person to be appointed by the Bishop of the Roman Catholic Diocese of Galloway;
- (h) two persons to be appointed by Strathclyde Regional Council Education Committee; and
- (i) three persons appointed from their number by the Community Council of Troon, with the proviso that, if each or any ward within the area of benefit establishes its own community council, such community council shall be entitled to appoint one of the governors specified under this provision for Community Council representation. In the event of more than three Community Councils being established, the Community Council representation on the governing body shall be increased accordingly.

(2) The governing body shall have power to co-opt two persons resident in the area of benefit whose experience will in the opinion of the governing body be of value in the exercise of the functions laid down by this scheme.

(3) The ex-Provosts of Troon who were Trustees of the C. K. Marr Educational Trust prior to the coming into operation of this scheme shall be life governors.

(4) No person holding any employment or office of profit under the governing body shall be eligible for membership of the governing body.

Methods of co-option

5. The co-option of persons to be governors shall be made by the governing body at meetings convened and conducted in accordance with the provisions of this scheme.

Life governors

6. The life governors shall, subject to the provisions of paragraph 8, hold office for the periods of their respective lives, and on the occurrence of vacancies among them the said vacancies shall not be filled.

Periods of office

7. Subject to the provisions of paragraph 8, each appointed or co-opted governor shall hold office for a period of four years. Any such governor shall be eligible for reappointment on the expiry of his period of office provided that governors so reappointed shall serve for a maximum of two successive terms and shall thereafter vacate office for a period of one year before becoming eligible for further reappointment.

Vacation of office

8. A governor shall be deemed to have vacated office as a member of the governing body and the governing body shall declare his place vacant in any of the following circumstances:—

- (a) where he intimates in writing to the governing body his resignation as a governor;
- (b) where he has had his estate sequestrated or has made a trust deed for his creditors;
- (c) where he has otherwise become in the opinion of the governing body incapacitated to act as a governor;
- (d) where he has during the period of one year attended no meetings of the governing body, and has failed to show reasonable cause for such non-attendance; or
- (e) where his appointment requires that he should be a member of the body which appointed him, or should reside in or have a charge in the area of benefit, and that requirement can no longer be met.

Procedure on occurrence of vacancies

9.—(1) Every vacancy, whether occasioned by expiry of a period of tenure of office as a governor, or by resignation, death or any other cause, shall be entered in the minutes.

(2) Each vacancy among the appointed governors shall be intimated by the clerk of the governing body to the body entitled to appoint a successor. In the case of a vacancy caused by the expiry of the normal period of tenure of office the intimation shall be made not less than one month before the date of the vacancy. In other cases the vacancy shall be intimated as soon as may be after its occurrence. Within three months of the date of the intimation a successor shall be appointed by the body entitled to make the appointment.

(3) If the body concerned fails to appoint a governor within the said period of three months, it shall be in the power of the governing body to nominate a successor, provided that the person nominated shall be a person eligible to be appointed by the appointing body. Any nomination under this subparagraph shall be deemed to be an appointment by the body entitled to make the appointment.

Validity of proceedings of governing body

10. No failure or delay or defect in the appointment or co-option of any governor and no vacancy in the office of governor shall prevent the governing body or any committee appointed by the governing body from acting in the execution of this scheme, nor shall any act or proceeding of the governing body or of any committee appointed by them be invalidated or be illegal by reason of any such vacancy, failure, delay or defect, provided that the number of governors validly appointed or co-opted and in office at the time of the said act or proceeding was not less than five.

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 authorised officer or by any two governors shall be held to be validly executed on behalf of the governing body.

Transitional arrangements

12.—(1) The governing body known as “The Trustees of the C. K. Marr Educational Trust” in office on the coming into operation of this scheme 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 Trust shall ensure that as far as practicable all appointed governors are appointed prior to the first meeting. Within three months of the coming into operation of this scheme the clerk shall convene the first meeting of the governing body notice of which shall be given by him to each member of the governing body or, if the names of such members have not been intimated to him, to the bodies entitled to appoint governors.

(3) At their first meeting the governing body shall have power to determine the date of expiry of the terms of office of the elected or appointed governors in office at the date of that meeting, always provided that any such term of office shall not exceed a period of four years.

PART III

ADMINISTRATIVE ARRANGEMENTS

Chairman

13.—(1) The governing body shall appoint a chairman from their own number at an ordinary meeting held at such time in each year as they may determine. They shall also make arrangements under paragraph 19 for supplying his place in the case of his absence.

(2) The chairman shall hold office for one year and shall be eligible for reappointment.

Meetings of the governing body

14.—(1) The governing body shall hold at least three 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 three 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 to the governing body specifying the business to be transacted.

(4) Notice of every meeting shall be delivered or sent by post to each governor not less than seven days before the day upon which the meeting is to be held. The notice 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

15.—(1) At all meetings of the governing body five governors shall be a quorum and, subject to the provisions of paragraph 14(5), all questions shall be determined 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 five, the governors present shall adjourn the meeting to such a day or time as they may determine and the provisions of paragraph 14(4) shall apply.

Committees

16.—(1) The governors may appoint such committees of their 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 and shall during that period have the same position on the committee as if he or she had been a governor.

Administrative staff

17.—(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.

Security measures

18. The governing body may make such arrangements as they consider adequate for the safe custody of all deeds and other documents belonging to them, for the banking of money and for drawing cheques, provided that all cheques shall be signed by one of the governors and their clerk or other authorised officer or by any two governors.

Rules and standing orders

19. 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, the execution of documents 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

20. From and after the coming into operation of this scheme the endowment known as the C. K. Marr Educational Trust which is described in the schedule to this scheme shall be vested in the governing body and shall be held, administered and applied by them exclusively in accordance with the provisions of this scheme.

Powers of investment

21.—(1) It shall be in the power of the governing body to invest capital and to change the investment in which capital is invested, in such manner as they

think fit. Before exercising these powers they shall obtain and consider proper advice.

(2) It shall be in the power of the governing body to retain any investments in which capital is invested. The governing body shall review their investments at regular intervals and may hold such additional reviews as they consider desirable. For the purpose of such reviews they shall obtain and consider proper advice.

(3) For the purpose of this paragraph "proper advice" means the advice of a person other than an officer of the governing body who is reasonably believed by the governing body to be qualified, by his ability in, and practical experience of financial matters, to advise the governing body on the exercise of their powers under this paragraph.

Additional donations

22. The governing body may accept donations, legacies, annuities, payments under deeds of covenant, 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 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.

Capital expenditure

23.—(1) It shall be in the power of the governing body to incur capital expenditure for any of the purposes of Part V to which capital may properly be devoted.

(2) Where in the exercise of their functions under Part V the governing body require to incur expenditure which, in their opinion, by reason of the purpose for which such expenditure is incurred, may properly be met by borrowing, the governing body may borrow money for the purpose.

(3) All monies borrowed under the last foregoing sub-paragraph shall be repaid within such number of years not exceeding thirty as the governing body determine to be reasonable having regard to the purposes for which the said monies were borrowed.

Lease of Marr College

24. In order to fulfil their obligations under the Agreement, the governing body shall continue to have power to lease to Strathclyde Regional Council the Marr College, its precincts, playing fields and such buildings as the Regional Council have deemed necessary to enable them to administer the College.

Disposal of property

25. The governing body may sell, lease, grant options over, or otherwise dispose of for value all or any property, heritable or moveable held by them under this scheme:

Provided that so long as the Agreement between the governing body and Strathclyde Regional Council stands, the governing body may not dispose of the property referred to in paragraph 24.

Application of income

26.—(1) The governing body, after paying the necessary expenses of management and other outgoings affecting the Trust, shall in each financial year apply the free annual income in executing the purposes specified in Part V.

(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 endowment.

PART V

PURPOSES OF TRUST

Educational resources centre

27.—(1) The governing body may, in consultation with Strathclyde Regional Council, Kyle and Carrick District Council and such other local interests as the governing body consider appropriate, establish and maintain an educational resources centre to provide accommodation and such facilities as may be practicable for the benefit of persons resident, and local groups operating, within the area of benefit.

(2) It shall be in the power of the governing body to make such reasonable charges as they think fit for the use of any facilities provided under the preceding sub-paragraph.

Bursaries for secondary and further education

28. The governing body may award bursaries, of such annual value and for such period as they think fit, to persons ordinarily resident in the area of benefit who have completed their period of compulsory education and intend to continue their studies by following courses of secondary or further education.

Bursaries for higher education

29.—(1) The governing body may award bursaries to persons ordinarily resident in the area of benefit who are about to enter or who are in attendance at a university or institution of higher education, or who are about to register or have registered for Open University courses.

(2) The bursaries shall be of such annual value as the governing body think fit and subject to the provisions of paragraph 36, each bursary shall be tenable 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 governing body to extend the period of tenure if they approve of the holder undertaking an extended course.

Post-graduate scholarships

30. The governing body may award scholarships of such annual value as they think fit for research work or for advanced or special study to persons ordinarily resident in the area of benefit of high attainment and promise who have graduated at a university or attained an associateship or diploma of a central institution or a corresponding qualification of any other similar institution or degree-awarding body. The governing body may as a condition of the award of any such scholarship require the candidate to submit for their approval a programme of the work or study to be undertaken.

Assistance in obtaining practical experience of trades

31. The governing body may incur expenditure from income in granting assistance to persons ordinarily resident in the area of benefit who require financial aid while serving apprenticeships or undergoing courses of technical instruction in or gaining experience of the details of any profession, trade or occupation, to enable them to pay any fees which may be charged for such apprenticeship or instruction or practical training, to obtain any necessary books, instruments, tools, kit or personal equipment and to meet any other expenditure necessarily incurred by them.

Travel grants

32. The governing body 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 governing body 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.

Grants for the handicapped

33. The governing body may make grants to assist any aspect of the education of those ordinarily resident in the area of benefit who are physically or mentally handicapped.

Prizes

34. The governing body may grant prizes or rewards, of such amount as they think fit, to secondary pupils who are ordinarily resident or receive their education in the area of benefit.

General conditions for awards

35.—(1) In making an award under paragraphs 28 to 32 inclusive, the governing body shall have regard to the diligence, attainment and promise of the applicant. In determining the amount of assistance to be granted, the governing body shall take account of the financial circumstances, including any other bursaries or grants paid, and of the expenses likely to be incurred by the applicant.

(2) Where it is in the interest of a holder of an award made under paragraphs 28 to 30 that financial assistance should be continued after the termination of an award it shall be in the power of the governing body to pay such a holder an allowance not exceeding in any year the annual value of the award previously held, for any period not exceeding two years following the termination of the said award.

Withdrawal of bursaries

36. The governing body shall require the holders of bursaries and the recipients of assistance under paragraphs 28 to 32 inclusive to satisfy them that they are making satisfactory progress in their respective courses of study. If in the opinion of the governing body any such holder or recipient shall be guilty of serious misconduct or shall fail to make reasonable progress, the governing body may withdraw the bursary or assistance or suspend the holder or recipient from its benefits and the decision of the governing body shall be final.

Limitation of value of awards

37. The amount of an 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.

PART VI

MISCELLANEOUS AND GENERAL PROVISIONS

Continuation of benefits

38. Any person who at the coming into operation of this scheme is a beneficiary under the endowment to which this scheme relates shall continue to enjoy the benefit thereof subject always to the conditions under which it was awarded.

Copies of scheme

39. 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

40. Subject to the provisions of paragraph 12(1) the C. K. Marr Educational Trust Scheme 1978(a) 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.
12th June 1981.

PARTICULARS OF ENDOWMENT TO WHICH THIS SCHEME RELATES

Name of Endowment (1)	Founder (2)	Governing Instrument (3)
C. K. Marr Educational Trust	The late Charles Kerr Marr of London	The C. K. Marr Educational Trust Scheme 1978

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

The C. K. Marr Educational Trust, Troon, is at present governed by an interim scheme of 1978 which was made to enable the governors of the trust to lease the land and buildings of Marr College to Strathclyde Regional Council. By the terms of a new Agreement brought into effect by the 1978 scheme, the maintenance and administration of Marr College which until then had been the main purpose of the trust was transferred to Strathclyde Regional Council. As the power to lease the College was urgently required to allow the Regional Council to start on the building of a much-needed extension to the College, the 1978 scheme simply continued the provision whereby a sum approximating to 25 per cent of the net income of the former General Fund could be spent on bursaries, grants and financial assistance to persons resident in the area of benefit. The remainder of the income (substantially increased as a result of the rental paid by the Regional Council) was allowed to accumulate until such time as the Secretary of State could prepare a new scheme governing the future use of the whole endowment in the light of the findings of a public inquiry. Accordingly, in May 1979, the Secretary of State caused such a public inquiry to be held in Troon under section 68 of the Education (Scotland) Act 1962, to enable any persons interested to express views on the future use to be made of the funds of the C. K. Marr Educational Trust.

Proposals were submitted by the governors of the trust, Strathclyde Regional Council and a number of other parties. Representations were made by the Regional Council that, while the existing area of benefit should continue to have first call on the trust's income, there were grounds for extending the area in varying degrees of priority. These proposals encountered strong opposition from the governors and from all the representatives from Troon itself, although Dundonald Community Council supported the views of the Regional Council. The governors put forward proposals that the composition of the governing body of the trust should be amended by filling vacancies amongst the life governors as they occurred by representatives of Troon Community Council, up to a total of 3 representatives; and that the Parent-Teacher Association of Marr College should be allowed to appoint one governor. No proposals for amending the composition of the governing body were put forward by any of the other parties appearing at the inquiry.

On the question of trust purposes, the governors represented that the trust income should be spent, in order of priority, on: Bursaries (covering secondary, further and higher education, post-graduate research work, the dis-

abled, foreign study and voluntary service overseas, practical experience of trades, training and re-training, the Open University); Travel Grants for primary and secondary schools, the handicapped and all community associations engaged in educational or cultural activities, the grants to be awarded either to individuals or to groups; Direct School Support, including prizes to all schools in the area of benefit, provision of books and equipment not otherwise available, assistance to school funds, sports funds, operatic societies, drama clubs, the school magazine and the provision of special equipment and facilities; Community Education and Culture, under which heading would be included tuition and participation in outside competitions, performances and exhibitions of an artistic, musical or athletic nature, assistance to local musical, operatic, dramatic or artistic societies, nursery groups, training in road safety, first aid, swimming, sailing, etc and the provision of a resources centre. Strathclyde Regional Council proposed an extension of the purposes in the 1978 scheme to include power to grant financial aid to those suffering hardship by reason of an unforeseen change of circumstances during a course of study undertaken after completing their compulsory education. The Council also proposed that the trust should pay 50 per cent of the cost of the upkeep and maintenance of Marr College library, which should be available to the whole community; that a resources centre should be created as a physical and permanent focus of educational benefit; and that the governors should have a general power enabling them to provide capital grants to local groups for community and social purposes. A memorandum was also submitted by the Troon Tortoises Athletic Club supporting the Regional Council's argument for the building of sports or community facilities. Oral evidence was taken at the inquiry from Troon Community Council, Dundonald Community Council, Marr College Parents' Teachers' Association, Cunninghame Orienteering Club, Troon Ladies Luncheon Club, Troon Portland Church Badminton Club, Troon Tortoises Athletic Club, Troon Sea Cadet Corps and Troon Amateur Swimming Club. The views expressed by these bodies have been taken into account by the Reporter in his report to the Secretary of State.

In his recommendations the Reporter considered that there was no justification for extending the area of benefit in the manner suggested by Strathclyde Regional Council, but that the districts of Loans and Southwood, which are in effect suburbs of Troon, might reasonably be included; that the governors' proposals for altering the composition of the governing body should be accepted, with the additional suggestion from the Reporter himself that the Rector of Marr College should become a governor *ex officio*; that the proposals regarding foreign travel and primary school prizes made by the governors should not be accepted; that assistance could usefully be given both to existing nursery groups and to the provision of a regular nursery school with purpose-built premises and professional staff and that the main purpose to which trust funds should be devoted should be a resources centre, to provide a permanent and physical focus for the advancement of education in Troon, complementary to Marr College.

The Secretary of State has considered the views expressed at the inquiry and the recommendations made by the Reporter. One of the Secretary of State's primary duties when reorganising any educational endowment is to have special regard to the original intention of the founder as embodied either in the original deed constituting the endowment or in any scheme affecting the endowment. In his will, C. K. Marr specified the building or maintenance of a school as one of the trust's purposes and the scheme of 1937 provided for the building of a clinic and a combined craft school and adult education centre. The Secretary of State is therefore satisfied that an educational building

project would be in keeping with the intentions of the founder. Various parties at the inquiry suggested various functions which the resources centre might fulfil: a place for teachers to meet together and to meet parents, a centre for post-school students to study with a specialised library available, a place for adult education classes and lectures, a community centre and a centre providing facilities for sports. Such a centre can be seen as a modern equivalent of C. K. Marr's wish to provide a secondary school for Troon, offering tangible and lasting educational benefit to all sections of that community and the Secretary of State is of the opinion that it would be possible for the resources of the trust to cover a centre of modest size. It would be envisaged that there would be full co-operation between the governors and the local authorities concerned, Strathclyde Regional Council and Kyle and Carrick District Council, during all stages of the project, and that organisations representing persons likely to use the centre should be consulted. The Secretary of State has noted the Reporter's suggestion that a substantial part of the annual revenue—of the order of 30 per cent to 40 per cent—should be earmarked for this purpose. At the same time, however, and bearing in mind the governor's general observation that there should be no statement of percentages of income which should be applied to different purposes, the Secretary of State considers a feasibility study to be necessary before the order of the cost involved can be established. In this connection it is hoped that full use could be made of the expertise and advice of officials of Strathclyde Regional Council.

Given that the future of an educational endowment is at issue, the Secretary of State considers that priority should be given to the educational nature of the proposed centre, and sees this as an opportunity to combine such a building with the Reporter's recommendation regarding nursery education, thus dispensing with the need for separate provision for nursery education by including this within the main educational centre. While the Secretary of State would not rule out the use of the centre for sporting activities ancillary to its other uses, he does not consider that sports provision could be the main purpose of the centre, since the cost of specialised sports facilities would be likely to leave insufficient funds for more obviously educational uses.

The Reporter's recommendation that the area of benefit should be confined to the former burgh of Troon with the addition of the districts of Loans and Southwood has been accepted since this is clearly in line with C. K. Marr's intentions. The 1978 scheme defined the area of benefit in terms of local government wards, but in view of the current uncertainty over ward boundaries as a result of the review being carried out by the Local Government Boundaries Commission, the Secretary of State considers it desirable to define the area of benefit in terms of the former burgh on the basis that Troon has a recognisable identity and such a definition would allow the governors flexibility in borderline cases. The representation that the Parent-Teacher Association should appoint one governor and the suggestion that the Rector of Marr College should become a governor *ex officio* have not been accepted. It would be invidious that one particular interest group should be represented on the board, apart from which the trust now has little direct connection with Marr College. The Secretary of State is unwilling to introduce an *ex officio* appointment to a board where all the other governors serve for limited periods of time. The Secretary of State has instead widened the governors' powers of co-option to allow them to assume two persons whose experience will be of value in the exercise of the functions laid down in the scheme, rather than two persons of financial experience as specified in the 1978 scheme. The governors had also suggested that they be enabled to establish a reserve fund to accrue unexpended revenue. The Secretary of State takes the view that it

is the duty of trustees to expend as nearly as possible the whole of the annual income: any unexpended income should be carried forward to future years rather than being accumulated. The Secretary of State has not accepted the representation from Strathclyde Regional Council that the trust should contribute 50 per cent of the cost of upkeep and maintenance of Marr College Library, since he has not seen any evidence that would persuade him of the necessity of opening Marr College Library to community use.

The Secretary of State has kept in mind the original intention of the founder that bursaries and scholarships should be made available to those resident in the area of benefit. The provisions of the interim scheme relating to awards for secondary, further and higher education, educational travel and assistance in obtaining practical experience of trades have been repeated with the removal of the £5,000 limit contained in that scheme. In addition, in the light of the views expressed at the inquiry, the governors are given power to award post-graduate scholarships and grants for the handicapped.

The Secretary of State received a number of proposed amendments to the published draft scheme. As a result, the following changes were incorporated in the framed scheme: in paragraphs 7 and 12(3) the period of office of governors was altered from 3 to 4 years; a new category was added to paragraph 8 (vacation of office); the wording of paragraph 32 was adjusted for consistency with paragraphs 28-31; and a new paragraph was added giving the governing body power to award prizes (now paragraph 34). The main amendment was however to paragraph 27, with a consequent amendment to paragraph 26. The Secretary of State accepted the representations of the governing body that the establishment of an Educational Resources Centre should be permissive rather than mandatory. In making such an amendment however, the Secretary of State remains of the view that the governing body should nevertheless undertake the feasibility study mentioned above and in so doing should have regard to the representation from the Marr College Parent-Teacher Association that there would be advantages in situating the Centre next to Marr College.