SCHEDULE Article 2

THE EDUCATIONAL ENDOWMENTS (HIGHLAND REGION) TRANSFER SCHEME 1996

Citation

1. This Scheme may be cited as the Educational Endowments (Highland Region) Transfer Scheme 1996.

Interpretation

2. In this Scheme—

(a) references to Highland Regional Council and to a relevant district council are to those councils as constituted under section 2 of the Local Government (Scotland) Act 1973(**1**);

(b) references to Highland Council are to that Council as constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

(c) "relevant district council" means any of Caithness, Sutherland, Ross and Cromarty, Skye and Lochalsh, Lochaber, Inverness, Badenoch and Strathspey and Nairn District Councils.

Transfer of interests in educational endowments from Highland Regional Council to Highland Council

3.—(1) Where immediately before 1st April 1996 there were vested in Highland Regional Council—

(a) to any extent, any educational endowments;

(b) any powers with respect to educational endowments;

(c) any rights to be paid money out of educational endowments,

such educational endowments shall to the same extent, and such powers and rights shall, on that date be transferred to and vest in Highland Council.

(2) Where immediately before 1st April 1996 there were vested by virtue of his office in the holder of an office connected with Highland Regional Council, or in a person nominated by that Council—

(a) to any extent, any educational endowments;

(b) any powers with respect to education endowments,

such educational endowments shall to the same extent, and such powers shall, on that date be transferred to and vest in—

(i) in the case where they were vested by virtue of his office in a councillor, or in the holder of a specified office held by a councillor, a councillor of Highland Council nominated by that Council for the purpose;

(ii) in the case where they were vested by virtue of his office in an officer of Highland Regional Council, the proper officer of Highland Council;

(iii) in the case where they were vested in a person nominated by Highland Regional Council, a person nominated by Highland Council.

(**1**) 1973 c. 65; section 2 is repealed by the Local Government etc. (Scotland) Act 1994 (c. 39), section 180(2) and Schedule 14.

Transfer of interests in educational endowments from district councils to Highland Council

4.—(1) Where immediately before 1st April 1996 there were vested in a relevant district council—

(a) to any extent, any educational endowments;

(b) any powers with respect to educational endowments;

(c) any rights to be paid money out of educational endowments,

such educational endowments shall to the same extent, and such powers and rights shall, on that date be transferred to and vest in Highland Council.

(2) Where immediately before 1st April 1996 there were vested by virtue of his office in the holder of an office connected with a relevant district council, or in a person nominated by that council—

(a) to any extent, any educational endowments;

(b) any powers with respect to educational endowments,

such educational endowments shall to the same extent, and such powers shall, on that date be transferred to and vest in—

(i) in the case where they were vested by virtue of his office in a councillor, or in the holder of a specified office held by a councillor, a councillor of Highland Council nominated by that Council for the purpose;

(ii) in the case where they were vested by virtue of his office in an officer of the relevant district council, the proper officer of Highland Council;

(iii) in the case where they were vested in a person nominated by the relevant district council, a person nominated by Highland Council.

Consequential provisions for interpretation of governing instruments of educational endowments

5.—(1) Where an educational endowment, or a power or right in respect of an educational endowment, is transferred by this Scheme, any reference, however expressed, in the governing instrument of the endowment and relating to the endowment, power or right transferred, to—

(a) Highland Regional Council;

(b) a relevant district council; or

(c) a county, large or small burgh or district council in which the endowment, right or power was vested immediately before 16th May 1975,

shall unless the context otherwise requires be construed as a reference to Highland Council.

(2) Where an educational endowment, or a power or right in respect of an educational endowment, is transferred by this Scheme, any reference, however expressed, in the governing instrument of the endowment and relating to the endowment, power or right transferred, to—

(a) a councillor of any council referred to in sub-paragraph (1) above, or the holder of a specified office held by such councillor, shall unless the context otherwise requires be construed as a reference to a councillor of Highland Council nominated by that Council for the purpose;

(b) an officer, or any specified officer, of a council referred to in sub-paragraph (1) above shall unless the context otherwise requires be construed as a reference to the proper officer of Highland Council.