

SCHEDULE

Article 2

THE EDUCATIONAL ENDOWMENTS (CENTRAL REGION) TRANSFER SCHEME 1996

Citation

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

Interpretation

2.—(1) In this Scheme —

- (a) references to Central Regional Council and to Clackmannan, Falkirk and Stirling District Councils are to those councils as constituted under section 2 of the Local Government (Scotland) Act 1973(1); and
- (b) references to Clackmannanshire, Falkirk and Stirling Councils are to those Councils as constituted under section 2 of the Local Government etc.(Scotland) Act 1994.

(2) In this Scheme, unless the context otherwise requires, any reference to a numbered paragraph or to the Schedule is a reference to a paragraph of, or the Schedule to, this Scheme.

Transfer of specific interests in educational endowments from Central Regional Council to Clackmannanshire Council

3.—(1) On 1st April 1996 the educational endowments comprised in the Clackmannanshire Educational Trust(2) vested in Central Regional Council immediately before that date shall be transferred to and vest in Clackmannanshire Council.

(2) On 1st April 1996 all powers under the Clackmannanshire Educational Trust Scheme 1957 vested in Central Regional Council immediately before that date shall be transferred to and vest in Clackmannanshire Council.

Transfer of interests in any education endowments not specifically provided for from Central Regional Council to new authorities

4.—(1) Where immediately before 1st April 1996 there were vested in Central 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,

which are not specifically provided for in paragraph 3, then, subject to paragraph 6 and the Schedule, such educational endowments shall to the same extent, and such powers and rights shall, on that date be transferred to and vest in the appropriate new authority.

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

- (a) to any extent, any educational endowments;
- (b) any powers with respect to educational endowments,

then, subject to paragraph 6 and the Schedule, such educational endowments shall to the same extent, and such powers shall, on that date be transferred to and vest in —

(1) 1973 c. 65; section 2 is repealed by the Local Government etc. (Scotland) Act 1994 (c. 39), section 180(2) and Schedule 14.
(2) Governed by the Clackmannanshire Educational Trust Scheme 1957, approved by Order in Council dated 31st July 1957.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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 the appropriate new authority nominated by that authority for the purpose;
 - (ii) in the case where they were vested by virtue of his office in an officer of Central Regional Council, the proper officer of the appropriate new authority;
 - (iii) in the case where they were vested in a person nominated by Central Regional Council, a person nominated by the appropriate new authority.
- (3) In this paragraph, “the appropriate new authority” means —
- (a) subject to head (c) below, the new authority for the area in which any educational establishment to which the endowment relates is situated; or
 - (b) subject to head (c) below, where the endowment relates to no particular establishment, the new authority for the area in which the beneficiaries of the endowment are required under its governing instrument to reside or with which they are so required to have some other connection; or
 - (c) where heads (a) and (b) above do not apply, or where application of them indicates more than one new authority, the new authority for the area with which the endowment is most closely connected.

Transfer of interests in educational endowments from district councils to new authorities

5.—(1) Where immediately before 1st April 1996 there were vested in Clackmannan, Falkirk or Stirling 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,

then, subject to paragraph 6 and the Schedule, such educational endowments shall to the same extent, and such powers and rights shall, on that date be transferred to and vest in the successor authority.

(2) Where immediately before 1st April 1996 there were vested by virtue of his office in the holder of an office connected with Clackmannan, Falkirk or Stirling 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,

then, subject to paragraph 6 and the Schedule, 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 the successor authority nominated by that authority 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 the successor authority;
 - (iii) in the case where they were vested in a person nominated by the relevant district council, a person nominated by the successor authority.
- (3) In this paragraph, “the successor authority” means —
- (a) in relation to Clackmannan District Council, Clackmannanshire Council;
 - (b) in relation to Falkirk District Council, Falkirk Council;
 - (c) in relation to Stirling District Council, Stirling Council.

Amendments of governing instruments

6. The governing instruments specified in the Schedule shall be amended in accordance with that Schedule.

Consequential provision for interpretation of governing instruments

7. Subject to paragraph 6 and the Schedule, and unless the context otherwise requires, 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 in relation to that endowment, power or right, to a local authority or person in whom the endowment, power or right was at any time vested shall be construed as a reference to the Council or person in whom the endowment, power or right is vested under this Scheme.