

SCHEDULE 3

Paragraph 9

AMENDMENTS OF GOVERNING INSTRUMENTS

Robb's Trust Scheme 1934

- 1.—(1) Robb's Trust Scheme 1934(1) shall be amended in accordance with this paragraph.
- (2) In section 2—
 - (a) in subsection (1), for “the County Council of Aberdeen” substitute “Aberdeenshire Council”; and
 - (b) in substitution (2), for “the Town Council of Aberdeen” substitute “Aberdeen City Council”.
- (3) In section 4, for “the Town Council or County Council” substitute “Aberdeenshire or Aberdeen City Council”.
- (4) In section 22(1), for “the County Council of Aberdeen” substitute “Aberdeenshire Council”.

Moray and Nairn Educational Trust Scheme 1935

- 2.—(1) The Moray and Nairn Educational Trust Scheme 1935(2) shall be amended in accordance with this paragraph.
- (2) For the words “the Joint County Council”, wherever they appear in the Scheme, substitute “the Council”.
- (3) For section 5, substitute—
 - “5. The business of the endowment may be conducted by the Council themselves or any or all of that business may be delegated to a committee of the Council.”.
- (4) In section 39, for the definition of “The Joint County Council” substitute—
 - ““the Council” means Moray Council as constituted under section 2 of the Local Government (Scotland) Act 1994(3);”.

Sharpe's Trust Scheme 1955

- 3.—(1) Sharpe's Trust Scheme 1955(4) shall be amended in accordance with this paragraph.
- (2) In section 3—
 - (a) in the heading, delete the word “County”;
 - (b) for subsections (2) and (3) substitute—
 - “(2) Aberdeenshire Council and Moray Council shall each appoint a member of the Council to be a trustee. Each such appointment shall be made within three months after each ordinary election of councillors or after a vacancy occurs. Each such trustee shall hold office until the next ordinary election of councillors or until he ceases to be a councillor if earlier and shall be deemed to have been assumed as a trustee under the deed. During his period of office he shall have the same powers, duties, privileges and liabilities as the other trustees acting thereunder.
 - (3) The appointment of each such trustee may be made by the Council themselves or may be delegated to a committee of the Council.”; and

(1) Approved by Order in Council dated 21st February 1935.

(2) Approved by Order in Council dated 8th June 1937, amended by S.I.1982/73.

(3) 1994 c. 39.

(4) Approved by Order in Council dated 14th September 1955.

Status: This is the original version (as it was originally made).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

- (c) delete subsection (4).
- (3) In section 9(2)—
 - (a) delete “County”; and
 - (b) for “Director of Education” substitute “proper officer”.

The Aberdeenshire Educational Trust Scheme 1955

4.—(1) The Aberdeenshire Educational Trust Scheme 1955⁽⁵⁾ shall be amended in accordance with this paragraph.

(2) For the words “the County Council”, wherever they appear in the Scheme, substitute “the Council”.

- (3) In section 1(1)—
 - (a) for the definition of “The County” substitute—

““The County” means the area of the former County of Aberdeen and the burghs situated therein, but excluding the area of the former County of the City of Aberdeen, as those areas existed immediately before 16th May 1975;”;
 - (b) for the definition of “The County Council” substitute—

““The Council” means Aberdeenshire Council acting as governing body of the Aberdeenshire Educational Trust;”.

- (4) In section 4—
 - (a) For subsection (1) substitute—

“(1) Subject to subsection (3), the business of the endowment may be conducted by the Council themselves or any or all of that business may be delegated to a committee of the Council.”;
 - (b) delete subsection (2); and
 - (c) in subsection (3), for the first reference to “the Education Committee” substitute “the Council” and for the subsequent references to “the Education Committee” substitute “the Council, or any committee of the Council to which the business is delegated”.

Kincardineshire Educational Trust Scheme 1962

5.—(1) The Kincardineshire Educational Trust Scheme 1962⁽⁶⁾ shall be amended in accordance with this paragraph.

(2) For the words “the County Council”, wherever they appear in the Scheme, substitute “the Council”.

- (3) In section 2—
 - (a) in subsection (2), delete paragraphs (b) and (c);
 - (b) in subsection (3)—
 - (i) for paragraph (a) substitute—

“(a) six persons elected by the Council from among the members of the Council representing electoral wards lying wholly or partly within the County;”;
 - (ii) delete paragraph (b); and

(5) Approved by Order in Council dated 24th April 1956, amended by S.I. [1967/584](#).

(6) Approved by the Kincardineshire Educational Trust Scheme 1962, Order in Council 1963 (S.I. [1963/373](#)).

- (iii) in paragraph (f), for “Kincardine” substitute “Aberdeenshire” and at the end add “who live or work in the County.”.
- (4) For section 4(1) substitute—
 - “(1) The election of governors from the Council may be by the Council themselves or may be delegated to a committee of the Council.”.
- (5) In section 5—
 - (a) for subsection (1) substitute—
 - “(1) each governor elected by the Council shall hold office until the next ordinary election of councillors;”;
 - (b) delete subsection (2).
- (6) In section 12(1) and at both places in section 12(2), for “five” substitute “four”.
- (7) In section 20(4) and (6), for “County Council of Aberdeenshire” substitute “Council”.
- (8) In section 50(1)—
 - (a) for the definition of “County” substitute—
 - ““County” means the area of the former County of Kincardine and the burghs situated therein, as that area existed immediately before 16th May 1975;”;
 - (b) for the definition of “County Council” substitute—
 - ““Council” means Aberdeenshire Council;”;
 - (c) delete the definition of “electoral area”.

Dick Bequest Trust Scheme 1979

- 6.—(1) The Dick Bequest Trust Scheme 1979(7) shall be amended in accordance with this paragraph.
- (2) In section 2(1), for the definition of “area of benefit” substitute—
 - ““area of benefit” means the area comprising—
 - (a) the local government area of Aberdeenshire excluding the area of the former County of Kincardine;
 - (b) the local government area of Moray; and
 - (c) those parts of the former County of Moray lying within the local government area of Highland and the former parishes of Abernethy and Duthill;”.
 - (3) For section 4(c) substitute—
 - “(c) one person of experience in education to be elected by Moray Council, residing in the area of that Council;
 - (d) two persons of experience in education to be elected by Aberdeenshire Council, of whom one shall reside in the former Banff and Buchan District and one in the former Gordon District.”.
 - (4) In section 24, for the words “to the Grampian Regional Council and to the Highland Regional Council” substitute “to Aberdeenshire, Moray and Highland Councils”.

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

Scheme for the administration of the legacy of Robert Nicol

7.—(1) The Scheme for the administration of the legacy of Robert Nicol⁽⁸⁾ shall be amended in accordance with this paragraph.

(2) In clause 2, for “four” substitute “three” and for “one” substitute “two”.

(3) In clause 3, delete “The Chairman of the Education Committee of Grampian Regional Council”.

(4) In clause 3A, for the first sentence substitute—

“One nominative trustee shall be appointed by Aberdeenshire Council and the other by Aberdeen City Council.”.

(5) After clause 29 add the following clause:—

“**30.** In this Scheme, any reference to the City or County of Aberdeen is to the area comprised in the former City or the former County of Aberdeen immediately before 16th May 1975.”.

City of Aberdeen Educational Endowments Scheme 1985

8.—(1) The City of Aberdeen Educational Endowments Scheme 1985⁽⁹⁾ shall be amended in accordance with this paragraph.

(2) Subject to sub-paragraph (8), for the words “Grampian Regional Council”, wherever they appear in the Scheme, substitute “Aberdeen City Council”.

(3) For section 1(2)(a) substitute—

“(a) three persons to be elected by Aberdeen City Council;”.

(4) In section 2(2)—

(a) in paragraph (a), for “Convener of Grampian Regional Council” substitute “Lord Provost of Aberdeen City Council”;

(b) in paragraph (b), for sub-paragraph (i) substitute—

“(i) three persons to be elected by Aberdeen City Council;”.

(5) For section 3 substitute—

“3 Aberdeen City Council

3. Aberdeen City Council shall be the governing body for the purposes of executing the functions set forth in Part VI.”.

(6) In section 4—

(a) for subsection (1) substitute—

“(1) The elections of trustees under paragraph (a) of subsection (2) of section 1 and of governors under paragraph (b)(i) of subsection (2) of section 2 may be by Aberdeen City Council themselves or any or all such elections may be delegated to a committee of the Council.”;

(b) in subsection (2), for “Director of Law and Administration” substitute “proper officer”;

(c) in subsection (3), for “Director of Law and Administration” and “Director” substitute in each case “proper officer”.

⁽⁸⁾ The amendments are to the text of the Scheme as amended by sealed Order of the Charity Commissioners on 10th October 1984.

⁽⁹⁾ Approved by the Court of Session on 17th December 1985, amended by the City of Aberdeen Educational Endowments (Amendment) Schemes 1988 and 1991.

- (7) In section 6, delete the words from “provided that” to the end.
- (8) For section 12 substitute—

“12 Vesting of funds in Aberdeen City Council

12. The endowments referred to in sections 62 and 63, which were vested in the Corporation of the City of Aberdeen, then in Grampian Regional Council as statutory successors to that Corporation, and which are now vested in Aberdeen City Council (by virtue of paragraph 3(1) (a) of the Educational Endowments (Grampian Region) Transfer Scheme 1996) shall remain vested in Aberdeen City Council and shall continue to be held by them as separate funds which shall be administered and applied exclusively in accordance with the conditions and provisions of this Scheme. The fund formerly known as the Grampian Regional Council Prize Fund shall be known as the Aberdeen City Council Prize Fund.”.

- (9) For section 20 substitute—

“20 Business arrangements of Aberdeen City Council

20. The business of Aberdeen City Council under sections 62 and 63 may be conducted by the Council themselves or any or all of that business may be delegated to a committee of the Council.”.

- (10) In section 25(iv), for “Grampian Regional Council superannuation fund” substitute “the fund established by regulations under section 7 of the Superannuation Act 1972⁽¹⁰⁾ applicable to former employees of the Trust”.

- (11) In section 64(2), for “Director of Education” substitute “proper officer with responsibility for education”.

- (12) In the Third Schedule—

- (a) in the entry relating to Summerhill Academy Bursary, in column (2), for “City of Aberdeen District area” substitute “area of the former Aberdeen District as it existed immediately before 1st April 1996”; and
- (b) in the entry relating to Secondary School Bursaries for Boys and Girls, in column (2), for “Grampian Region” substitute “area of the former Grampian Region as it existed immediately before 1st April 1996”.

Oakbank School Trust Scheme 1988

- 9.—(1)** The Oakbank School Trust Scheme 1988⁽¹¹⁾ shall be amended in accordance with this paragraph.

- (2) For section 2(1) substitute—

“(1) Nine persons to be elected by Aberdeen City Council, of whom not fewer than five shall be experienced in education and not fewer than four shall be experienced in social work;”.

- (3) For section 3(3) substitute—

“(3) The election of governors by Aberdeen City Council may be by the Council themselves or may be delegated to any extent to a committee or committees of the Council.”.

- (4) For section 4 substitute—

⁽¹⁰⁾ 1972 c. 11.

⁽¹¹⁾ Approved by Decree of the Court of Session in the Petition of the Governors of the Oakbank School Trust for Approval of a Scheme, dated 20th December 1988.

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

“4. Governors shall, subject to section 5 of this Scheme, hold office until 30th June following the next ordinary election of councillors of Aberdeen City Council.”.

(5) Delete section 5(1).

The Grampian Regional Council Milne’s Institution Trust Scheme 1991

10.—(1) The Grampian Regional Council Milne’s Institution Trust Scheme 1991(**12**) shall be amended in accordance with this paragraph.

(2) For the words “Regional Council”, wherever they appear in the Scheme, substitute “Council”.

(3) For section 2 substitute—

“2. The business of the endowment may be conducted by the Council themselves or any or all of that business may be delegated to a committee of the Council.”.

(4) In section 15—

(a) after the definition of “commencement date” insert the following definition:—

““Council” means Moray Council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 acting as governing body of Milne’s Institution Trust;”; and

(b) delete the definition of “Regional Council”.