

SCHEDULE

Article 2

THE EDUCATIONAL ENDOWMENTS (GRAMPIAN REGION) TRANSFER SCHEME 1996

Citation

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

Interpretation

2.—(1) In this Scheme—

- (a) references to Grampian Regional Council and to Aberdeen, Banff and Buchan, Gordon, Kincardine and Deeside and Moray District Councils are to those councils as constituted under section 2 of the Local Government (Scotland) Act 1973(1); and
- (b) references to Aberdeen City, Aberdeenshire and Moray 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 Schedule is a reference to a paragraph of, or Schedule to, this Scheme.

Transfer of specific interests in educational endowments from Grampian Regional Council to Aberdeen City Council

3.—(1) On 1st April 1996 the following educational endowments vested in Grampian Regional Council immediately before that date shall be transferred to and vest in Aberdeen City Council:—

- (a) the endowments comprised in the Grampian Regional Council Prize Fund (to be renamed with effect from 1st April 1996 the Aberdeen City Council Prize Fund) and in the Murray Pictures Fund, James Findlay Prize Fund and Liddel Prize Fund, all administered in accordance with the City of Aberdeen Educational Endowments Scheme 1985(2); and
- (b) the endowments listed in Part I of Schedule 1.

(2) On 1st April 1996 the following powers vested in Grampian Regional Council immediately before that date shall be transferred to and vest in Aberdeen City Council:—

- (a) all powers under the City of Aberdeen Educational Endowments Scheme 1985; and
- (b) all powers with respect to the endowments listed in Part I of Schedule 1.

Transfer of specific interests in educational endowments from Grampian Regional Council to Aberdeenshire Council

4.—(1) On 1st April 1996 the following educational endowments vested in Grampian Regional Council immediately before that date shall be transferred to and vest in Aberdeenshire Council:—

- (a) the endowments comprised in the Aberdeenshire Educational Trust, governed by the Aberdeenshire Educational Trust Scheme 1955(3); and
- (b) the endowments of the Brander Library Trust, also governed by the said Scheme; and
- (c) the endowments listed in Part II of Schedule 1.

(1) 1973 c. 65; section 2 is repealed by the Local Government etc.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) Approved by the Court of Session on 17th December 1985, amended by the City of Aberdeen Educational Endowments (Amendment) Schemes 1988 and 1991.
(3) Approved by Order in Council dated 24th April 1956, amended by S.I.1967/584.

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(2) On 1st April 1996 the following powers vested in Grampian Regional Council immediately before that date shall be transferred to and vest in Aberdeenshire Council:—

- (a) all powers under the Aberdeenshire Educational Trust Scheme 1955;
- (b) all powers under the Kincardineshire Educational Trust Scheme 1962⁽⁴⁾; and
- (c) all powers with respect to the endowments listed in Part II of Schedule 1.

(3) On 1st April 1996 the rights to be paid money under section 2(2) and (3) of the Aberdeenshire Educational Trust Scheme 1955 vested in Grampian Regional Council immediately before that date shall be transferred to and vest in Aberdeenshire Council.

Transfer of specific interests in educational endowments from Grampian Regional Council to Moray Council

5.—(1) On 1st April 1996 the following educational endowments vested in Grampian Regional Council immediately before that date shall be transferred to and vest in Moray Council:—

- (a) the endowments comprised in the Moray and Nairn Educational Trust, governed by the Moray and Nairn Educational Trust Scheme 1935⁽⁵⁾;
- (b) the endowments of Milne’s Institution Trust, governed by the Grampian Regional Council Milne’s Institution Trust Scheme 1991⁽⁶⁾; and
- (c) the endowments listed in Part III of Schedule 1.

(2) On 1st April 1996 the following powers vested in Grampian Regional Council immediately before that date shall be transferred to and vest in Moray Council:—

- (a) all powers under the Moray and Nairn Educational Trust Scheme 1935;
- (b) all powers under the Grampian Regional Council Milne’s Institution Trust Scheme 1991; and
- (c) all powers with respect to the endowments listed in Part III of Schedule 1.

(3) On 1st April 1996 the rights to be paid money under sections 3 and 4 of the Moray and Nairn Educational Trust Scheme 1955 vested in Grampian Regional Council immediately before that date shall be transferred to and vest in Moray Council.

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

6.—(1) Where immediately before 1st April 1996 there were vested in Grampian 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 paragraphs 3 to 5, then, subject to paragraph 8 and Schedule 2, and to paragraph 9 and Schedule 3, 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 Grampian Regional Council, or in a person nominated by that Council—

(4) Approved by the Kincardineshire Educational Trust Scheme 1962, Order in Council 1963 (S.I. 1963/373).
(5) Approved by Order in Council dated 8 June 1937, amended by S.I. 1982/73.
(6) Made on 5th July 1991.

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

then, subject to paragraph 8 and Schedule 2, and to paragraph 9 and Schedule 3, 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 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 Grampian Regional Council, the proper officer of the appropriate new authority;
 - (iii) in the case where they were vested in a person nominated by Grampian 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

7.—(1) Where immediately before 1st April 1996 there were vested in Aberdeen, Banff and Buchan, Gordon, Kincardine and Deeside or Moray 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 8 and Schedule 2, and to paragraph 9 and Schedule 3, 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 Aberdeen, Banff and Buchan, Gordon, Kincardine and Deeside or Moray 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 8 and Schedule 2, and to paragraph 9 and Schedule 3, 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;

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(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 Aberdeen District Council, Aberdeen City Council;
- (b) in relation to Banff and Buchan, Gordon or Kincardine and Deeside District Council, Aberdeenshire Council;
- (c) in relation to Moray District Council, Moray Council.

Transfer of endowments of Banffshire Educational Trust from Grampian Regional Council to new governing body

8.—(1) On 1st April 1996 the endowments comprised in the Banffshire Educational Trust, governed by the Banffshire Educational Trust Scheme 1976⁽⁷⁾, vested in Grampian Regional Council immediately before that date shall be transferred to and vest in the Governors of the Banffshire Educational Trust, constituted and incorporated under the said Scheme as amended in accordance with Schedule 2.

(2) On 1st April 1996 all powers under the Banffshire Educational Trust Scheme 1976 vested in Grampian Regional Council immediately before that date shall be transferred to and vest in the said Governors of the Banffshire Educational Trust.

(3) On 1st April 1996 all rights to be paid money out of educational endowments conferred by the Banffshire Educational Trust Scheme 1976 vested in Grampian Regional Council immediately before that date shall be transferred to and vest in the said Governors of the Banffshire Educational Trust.

(4) The Banffshire Educational Trust Scheme 1976 shall be amended in accordance with Schedule 2.

Amendments of governing instruments

9. The governing instruments specified in Schedule 3 shall be amended in accordance with that Schedule.

Consequential provision for interpretation of governing instruments

10. Subject to paragraph 8 and Schedule 2 and paragraph 9 and Schedule 3, 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.

Termination of existing appointments

11. Any person elected or appointed by an existing local authority to be a member of the governing body of an educational endowment shall demit office at 1st April 1996.

(7) S.I. 1976/93.