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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes a Scheme for the transfer of interests in educational endowments from Strathclyde Regional Council and the district councils within Strathclyde Region to the new unitary councils established under the Local Government etc. (Scotland) Act 1994.

The transfer takes effect on 1st April 1996, the day when the new unitary councils take up their functions and the existing regional and district councils cease to exist.

Educational endowments are defined in section 122 of the Education (Scotland) Act 1980. Essentially they are property, heritable or moveable, dedicated to charitable educational purposes. Regional councils as education authorities are most likely to have an interest in them but district councils may also have such an interest.

Paragraph 3 of the Scheme, with Schedule 1, provides for the transfer of specific educational endowments, and powers with respect to such endowments, from Strathclyde Regional Council to appropriate new councils.

Paragraph 4 makes general provision for transfer of any interests in educational endowments, vested in Strathclyde Regional Council or its office-holders or nominees, which may not have been caught by the specific provisions of paragraph 3. The general provision is, however, subject also to paragraph 6 and to any specific amendments of governing instruments by Schedules 2 and 3. Paragraph 4 transfers interests to the council (or their office-holders or nominees) for the area where the educational establishment to which the endowment relates is situated, or where it does not relate to a particular establishment the council for the area in which the beneficiaries reside or with which they are required to have a connection. Where these rules do not apply or do not indicate a single council, the interest is transferred to the council for the area with which the endowment is most closely connected.

Paragraph 5 makes general provision for transfer of any interests in educational endowments of the district councils (or their office-holders or nominees) to the new councils which take over responsibility from their areas. Again this is subject to Schedules 2 and 3.

Paragraph 6 with Schedule 2 provides for transfer of Strathclyde Regional Council's interests in the Dunbartonshire Educational Trust. In place of Strathclyde Regional Council a new governing body is constituted, which is a Joint Board of Argyll and Bute, East Dunbartonshire, West Dunbartonshire and North Lanarkshire Councils. The endowments comprised in the Dunbartonshire Educational Trust and relevant powers and rights are transferred to the new governing body. The endowment of the McAulay Bequest and relevant powers are also transferred to the new governing body.

Paragraph 7 with Schedule 3 provides for amendments of governing instruments of educational endowments consequential on local government reorganisation and on the provisions of the Scheme.

Paragraph 8 makes consequential provision for references in governing instruments of educational endowments to local authorities or persons in whom they were formerly vested to be construed as references to the Councils or persons to whom they are transferred under the Scheme.

Copies of governing instruments specifically referred to in this Order are available from the Student Awards Agency for Scotland, Gyleview House, 3 Redheughs Rigg, Edinburgh EH12 9HH.