

## SCHEDULE 2

Paragraph 6

### AMENDMENTS OF DUNBARTONSHIRE EDUCATIONAL TRUST SCHEME 1962

1. The Dunbartonshire Educational Trust Scheme 1962 shall be amended in accordance with this Schedule.
2. For the words “County Council”, wherever they appear in the Scheme, substitute “governing body”.
3. For Part I substitute the following two Parts:—

### “PART I

#### CONSTITUTION OF THE GOVERNING BODY

##### **Establishment and incorporation of the governing body**

1.—(1) For the purpose of carrying this Scheme into effect there shall be established a Joint Board of Argyll and Bute, East Dunbartonshire, West Dunbartonshire and North Lanarkshire Councils, to be known as “The Governors of the Dunbartonshire Educational Trust”, which as from 1st April 1996 shall be the governing body of the Dunbartonshire Educational Trust as successor to Strathclyde Regional Council in accordance with paragraph 6 of the Educational Endowments (Strathclyde Region) Transfer Scheme 1996.

(2) The Governors of the Dunbartonshire Educational Trust shall be a body corporate and have a common seal, and shall have all rights, powers and privileges of a body corporate.

##### **Composition of the governing body**

2. The governing body shall consist of—
  - (a) one person to be elected by Argyll and Bute Council being a member of that Council;
  - (b) three persons to be elected by East Dunbartonshire Council being members of that Council;
  - (c) three persons to be elected by West Dunbartonshire Council being members of that Council; and
  - (d) three persons to be elected by North Lanarkshire Council being members of that Council.

##### **Election of governors**

2A. The election of governors under section 2 may be by the relevant Council themselves or may be delegated to a committee of that Council.

##### **Period of office**

2B.—(1) Subject to subsection (2) and to sections 2C and 2H, each governor shall hold office for a period of 4 years from the termination of the period of office of his predecessor.

(2) A governor elected to succeed a governor who has died or otherwise vacated office before the end of his term of office shall hold office only during the unexpired portion of the term of office of the governor whom he succeeds.

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### **Resignations etc**

**2C.**—(1) Any governor shall be deemed to have vacated office as governor on ceasing to be a member of the Council which elected him: provided that if on the occasion of an ordinary election of councillors he demits office as a councillor and is re-elected he shall not be deemed to have vacated office as governor on so demitting office.

(2) Any governor who intimates in writing his resignation of office, or who has had his estate sequestrated or has made a trust deed for creditors or who becomes incapacitated to act, or who for the period of one year and without reasonable cause fails to attend any meeting of the governing body, shall be held to have vacated office.

### **Re-election**

**2D.** Any governor on the expiry of his period of office shall, subject to the provisions of section 2C, be eligible for further election to the office of governor.

### **Vacancies**

**2E.**—(1) Every vacancy, whether occasioned by the expiry of a term of office as a governor or by resignation or any other cause, shall be entered in the minute book.

(2) Each vacancy shall be intimated by the clerk of the governing body to the Council entitled to elect a successor. In the case of a vacancy caused by the expiry of the normal term of office, the intimation shall be made not less than one month before the date of the vacancy and in any other case as soon as may be after its occurrence. The intimation shall request the Council concerned to elect a successor within three months of its receipt.

(3) If the Council entitled to elect a governor fails to do so within the said period of three months, it shall be in the power of the governing body to appoint a successor provided that the person appointed shall be a person eligible to be elected by the said Council. Any appointment under this subsection shall be deemed to be an election by the Council entitled to make the election.

### **Validity of proceedings of the governing body**

**2F.** The proceedings of the governing body shall not be invalidated by any vacancy among the governors or by any defect in the election of any of the governors, subject always to the provisions of section 3D.

### **Execution of deeds**

**2G.** All deeds and other writings, sealed with the common seal and signed by one of the governors, shall be held to be validly executed on behalf of the governing body.

### **Transitional arrangements**

**2H.**—(1) The terms of office of the governors who are first elected under section 2 shall be deemed to have begun on 1st April 1996 and shall expire—

- (a) in the case of governors elected by Argyll and Bute and East Dunbartonshire Councils, on 1st April 1998; and
- (b) in the case of governors elected by West Dunbartonshire and North Lanarkshire Councils, on 1st April 2000.

(2) The Councils entitled to elect governors under section 2 shall use their powers of election so as to ensure that the membership of the governing body is complete as soon as practicable after 1st April 1996.

(3) Those Councils shall arrange for the first meeting of the governing body to be held as soon as practicable after 1st April 1996.

## PART IA

### ADMINISTRATIVE ARRANGEMENTS

#### **Chairman**

**3.** The governing body shall appoint a chairman from their own number at an ordinary meeting held at such period of the year as they may determine. They may make such arrangements under section 3E as they think fit for filling his place in the case of his absence.

#### **Committees**

**3A.—**(1) The governing body may appoint such committees of their own number as they think fit, appoint the convener of each committee, confer on each committee all such powers and give all such instructions as may appear expedient and fix the quorum of each committee.

(2) The governing body may appoint as additional members of any committee persons not being members of the governing body whom they deem specially fitted to assist in the work of such committee and any persons so appointed shall hold office for such period as the governing body may determine.

#### **Administrative staff**

**3B.—**(1) The governing body may appoint a clerk or factor or such other officers as they consider necessary, at such reasonable salaries and under such conditions of service as they may determine.

(2) Any officer of the governing body whose duties include intrusions with the funds vested in the governing body shall find such caution for his intrusions as the governing body may require.

(3) A governor acting as clerk, factor or other officer of the Trust shall not be entitled to any remuneration.

#### **Meetings of the governing body**

**3C.—**(1) The governing body shall hold at least two ordinary meetings in each year at such place and time as they may determine.

(2) The chairman may at any time convene a special meeting of the governing body.

(3) Any two governors may for any cause which seems to them sufficient require a special meeting to be convened by giving notice in writing to the clerk of the governing body specifying the business to be transacted.

(4) At least seven days' notice of meetings shall be given and such notice, which shall be in writing, shall specify the date, time and place of the meeting and the business to be transacted.

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(5) Notwithstanding the provisions of subsection (4) above, the chairman or any governor duly authorised by the chairman may convene a meeting on less than seven days' notice. No resolution or motion carried at such a meeting shall be valid unless it is voted for by a majority of the governors then in office or it is confirmed by a subsequent meeting convened under the provisions of subsection (4) above.

#### **Quorum of the governing body**

**3D.**—(1) At all meetings of the governing body three shall form a quorum and, subject to the provisions of section 3C(5), all questions shall be determined by a majority of the governors present. In any case where there is an equality of votes, the chairman of any meeting shall have a second or casting vote in addition to a deliberative vote.

(2) If at any time appointed for a meeting or if before the business of any meeting has been completed the number of governors present is less than three, the governors present shall adjourn the meeting to such day or time as they may determine and the provisions of section 3C(4) shall apply.

#### **Rules and standing orders**

**3E.** Subject to the provisions of this Scheme, the governing body may make such rules and standing orders for the regulation of their proceedings, the keeping of records and such other matters connected with the business of the governing body as they think fit.”

4. After section 6, insert the following section:—

“**6A.** In respect of the investment of the funds of the Trust and any additional funds received in terms of section 7 the governing body shall have all powers competent to them under the common law of Scotland as a body corporate.”

5. In section 8(1), in two places, and in section 8(2)(a), for “sub-account” substitute “account”.

6. In section 9(2), for “sub-account” substitute “account”.

7. In section 18, delete “County Council as”.

8. In section 35—

(a) for the definition of “County” substitute—

““County” means the area of the former County of Dunbarton and the burghs situated in it, as that area existed immediately before 16th May 1975;”;

(b) delete the definition of “County Council”; and

(c) after the definition of “date of this Scheme” insert—

““governing body” means the Governors of the Dunbartonshire Educational Trust constituted by section 1;”.