

SCHEDULE 2

DISAGGREGATION OF THE MIDLOTHIAN EDUCATIONAL TRUST

PART II

governance of endowments

1. The endowments transferred to each new authority in accordance with paragraph 7(1) of this Scheme and Part I of this Schedule shall together constitute the endowment of a trust to be held, administered and applied by that new authority as governing body in accordance with the provisions of the Midlothian Educational Trust Scheme 1991⁽¹⁾ (in this Part of this Schedule called “the 1991 Scheme”) which shall remain in force only for the purpose of application to those trusts, and shall apply in accordance with the provisions of this Part of this Schedule.

2. In relation to the trusts constituted under paragraph 1 above, the 1991 Scheme shall apply as if—

- (a) any reference to “the Council” were a reference to the new authority holding the particular trust;
- (b) any reference to “the Trust” were a reference to the particular trust;
- (c) any reference to “the District” were a reference—
 - (i) in the case of the trust held by Midlothian Council, to the local government area of Midlothian;
 - (ii) in the case of the trust held by any other new authority, to the part of the area of the former County of Midlothian (as it existed immediately before 16th May 1975) falling within the local government area of that new authority; and
- (d) any other minor modifications were made which are necessary to enable the 1991 Scheme to apply to the particular trust.

3. Section 8(1) (annual payments into Trust) of the 1991 Scheme⁽²⁾ shall have effect as if the reference to “the Council” were a reference to Midlothian Council.

4. In the application of sections 20 (preferences for certain beneficiaries) and 21 (variation of preferences etc) of the 1991 Scheme, each new authority holding a trust shall apply those sections only in respect of those entries in the Second Schedule to that Scheme which relate to endowments comprised in the trust held by them.

5. In the application of section 25 (prizes) of the 1991 Scheme, each new authority shall apply that section only in respect of those entries in the Third Schedule to that Scheme which relate to schools in their area.

(1) Made on 2nd October 1991.

(2) Section 8(2) has ceased to have effect on payment of a capital sum under section 8(3).