

SCHEDULE

Article 2

THE EDUCATIONAL ENDOWMENTS (LOTHIAN REGION) TRANSFER SCHEME 1996

Citation

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

Interpretation

2.—(1) In this Scheme—

- (a) references to Lothian Regional Council and to City of Edinburgh, East Lothian, Midlothian and West Lothian District Councils are to those councils as constituted under section 2 of the Local Government (Scotland) Act 1973⁽¹⁾; and
- (b) references to City of Edinburgh, East Lothian, Midlothian and West Lothian Councils and to The Scottish Borders Council 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 Lothian Regional Council to City of Edinburgh Council

3.—(1) On 1st April 1996 the following educational endowments to the extent that they are vested in Lothian Regional Council immediately before that date shall be transferred to and vest to the same extent in City of Edinburgh Council:—

- (a) the endowments listed in Part I of Schedule 1;
- (b) the endowments comprised in the City of Edinburgh Educational Trust⁽²⁾; and
- (c) the endowments comprised in the G Boyd Anderson Trust.

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

- (a) all powers with respect to educational endowments listed in Part I of Schedule 1;
- (b) all powers with respect to educational endowments listed in Part II of Schedule 1;
- (c) all powers with respect to the City of Edinburgh Educational Trust;
- (d) all powers with respect to the G Boyd Anderson Trust; and
- (e) all powers with respect to the David Westwood Bequest.

(3) On 1st April 1996 the right to be paid money in respect of the David Westwood Bequest, vested in Lothian Regional Council immediately before that date, shall be transferred to and vest in City of Edinburgh Council.

Transfer of specific interests in educational endowments from Lothian Regional Council to East Lothian Council

4. On 1st April 1996 the following powers vested in Lothian Regional Council immediately before that date shall be transferred to and vest in East Lothian Council:—

(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) Governed by the Edinburgh Educational Endowments Scheme 1938.

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- (a) all powers with respect to the East Lothian Educational Trust⁽³⁾; and
- (b) all powers with respect to the Lamp of Lothian Collegiate Centre Trust.

Transfer of specific interests in educational endowments from Lothian Regional Council to Midlothian Council

5.—(1) On 1st April 1996 the endowment of the Mrs A Pringle Prize to the extent that it is vested in Lothian Regional Council immediately before that date shall be transferred to and vest to the same extent in Midlothian Council.

(2) On 1st April 1996 all powers with respect to the Mrs A Pringle Prize vested in Lothian Regional Council immediately before that date shall be transferred to and vest in Midlothian Council.

Transfer of specific interests in educational endowments from Lothian Regional Council to West Lothian Council

6.—(1) On 1st April 1996 the endowment of The Irene Elizabeth Miller Trust Fund to the extent that it is vested in Lothian Regional Council immediately before that date shall be transferred to and vest to the same extent in West Lothian Council.

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

- (a) all powers with respect to the West Lothian Educational Trust⁽⁴⁾; and
- (b) all powers with respect to The Irene Elizabeth Miller Trust Fund.

Disaggregation of the Midlothian Educational Trust

7.—(1) On 1st April 1996 the endowments of the Midlothian Educational Trust⁽⁵⁾ vested in Lothian Regional Council immediately before that date shall be transferred to new authorities in accordance with Part I of Schedule 2.

(2) Part II of Schedule 2 shall have effect in respect of the endowments so transferred.

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

8.—(1) Where immediately before 1st April 1996 there were vested in Lothian 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 7, 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 Lothian Regional Council, or in a person nominated by that Council—

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

(3) Governed by the East Lothian Educational Trust Scheme 1957, approved by Order in Council dated 14th March 1958.

(4) Governed by the West Lothian Educational Trust Scheme 1957, approved by Order in Council dated 23rd August 1957.

(5) Governed by the Midlothian Educational Trust Scheme 1991, made on 2nd October 1991.

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 Lothian Regional Council, the proper officer of the appropriate new authority;
 - (iii) in the case where they were vested in a person nominated by Lothian 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

9.—(1) Where immediately before 1st April 1996 there were vested in City of Edinburgh, East Lothian, Midlothian or West Lothian 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,

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 City of Edinburgh, East Lothian, Midlothian or West Lothian 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,

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 Council 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;
 - (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 City of Edinburgh District Council, City of Edinburgh Council;
 - (b) in relation to East Lothian District Council, East Lothian Council;

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- (c) in relation to Midlothian District Council, Midlothian Council; and
- (d) in relation to West Lothian District Council, West Lothian Council.

Consequential provision for interpretation of governing instruments

10. Unless the context otherwise requires, where an educational endowment, or a power or right in respect of it, is transferred by this Scheme, any reference, however expressed, in the governing instrument of the endowment in relation to the 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 to whom the endowment, power or right is transferred by this Scheme.