

ELIZABETH II



1965 CHAPTER xlvii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Heriot-Watt College. [22nd December 1965]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said 1936 c. 52. Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.
2. This Act may be cited as the Heriot-Watt College Order Confirmation Act 1965. Short title.

SCHEDULE

HERIOT-WATT COLLEGE

Provisional Order to make provision, in the event of Her Majesty granting a Royal Charter for the constitution and founding of a University in or in the vicinity of the city of Edinburgh, for the transfer to the said University of the superannuation fund of the Governors of Heriot-Watt College and as to the superannuation of certain officers and servants of the said Governors (including former officers and servants); as to legacies and other bequests in favour of the said Governors or the said College; and for purposes connected with the matters aforesaid.

Whereas by the Heriot-Watt College and George Heriot's Trust Order, 1927 (hereinafter referred to as "the Order of 1927") the Governors of Heriot-Watt College (hereinafter referred to as "the Governors") were incorporated and powers and duties were conferred and imposed on the Governors with respect to the maintenance and carrying on of Heriot-Watt College (hereinafter referred to as "the College"):

And whereas the Governors, in the month of March, 1965, presented to Her Majesty a Humble Petition praying that a University should be constituted and founded within or in the vicinity of the city of Edinburgh for the advancement of knowledge, the diffusion and extension of arts, sciences and learning, the provision of liberal, professional, scientific and technological education and for the furtherance of the objects specified in relation to the College by the Order of 1927:

And whereas it is intended that, in the event of a University being constituted and founded as aforesaid, the functions and purposes of the College should be taken over by the said University and that the property, rights and assets vested in the Governors for the purposes of the College or such of such property, rights and assets as may be specified in the instrument of transfer should be transferred to and vested in the said University and the Governors be dissolved thereafter and it is expedient in connection therewith to make provision for the transfer of the superannuation fund of the said Governors to the said University when constituted and founded and with respect to the superannuation of certain officers and servants of the said Governors and as to the payment of pensions to certain other officers and servants or former officers and servants of the said Governors:

And whereas it is expedient to make provision whereby legacies and bequests which may have been or which may be made in favour of the said Governors or the said College should take effect in favour of and be administered by the said University or by the Corporation of the city of Edinburgh according to the purposes for which the legacies and bequests were given:

And whereas it is expedient that the further provisions contained in this Order should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act, 1936:

1936 c. 52.

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary of State orders as follows:—

1.—(1) This Order may be cited as the Heriot-Watt College Order 1965.

Short title and commencement of Order.

(2) This Order shall come into force on the date on which the University is constituted and founded or the date of the passing of the Act confirming this Order whichever is the later (which date is in this Order referred to as “the commencement of this Order”).

2. The following words and expressions in this Order have, unless there is anything repugnant to such construction, the meanings hereby assigned to them (that is to say):—

Interpretation.

“College” means Heriot-Watt College as existing immediately before the commencement of this Order;

“Corporation” means the Corporation of the city of Edinburgh;

“Governors” means the Governors of Heriot-Watt College incorporated by the Order of 1927;

“Order of 1927” means the Heriot-Watt and George Heriot’s Trust Order, 1927;

“University” means, in the event of a University being constituted in the city of Edinburgh or in the vicinity thereof by Royal Charter granted by Her Majesty pursuant to the before-mentioned Petition, that University.

3.—(1) All persons who were officers and servants of the College immediately before the date of the constitution and founding of the University and who, pursuant to the provisions of Part II (Superannuation) of the Edinburgh Corporation Order, 1962, were, immediately before the said date, deemed to be officers and servants of the Corporation for the purposes of the superannuation scheme of the Corporation shall continue to be deemed to be officers and servants of the Corporation for the purposes of the said scheme and all persons (other than the persons aforesaid) who after the said date become whole-time employees of the University shall, if the University so desire, be deemed to be officers and servants of the Corporation for the purposes of the said scheme and the Corporation shall for the said purposes be deemed to include the University.

Certain officers and servants to continue to be members of Edinburgh Corporation superannuation scheme.

(2) Nothing in this section shall apply to any member of the academic staff of the University other than a member of such staff who immediately before the above-mentioned date was a member of the superannuation scheme of the Corporation.

(3) In the event of the University being constituted and founded before the commencement of this Order this section shall be deemed to have come into operation on the date of such constitution and founding.

Transfer of superannuation fund of Governors and payment of certain superannuation allowances.

4.—(1) The existing superannuation fund of the Governors shall be transferred and paid over to the University, and—

- (a) all superannuation allowances which, before the commencement of this Order, were being paid by the Governors in pursuance of section 64 (Superannuation allowances) of the Order of 1927 and the Scheme for Superannuation Allowances to Officers and Servants made by the Governors on 8th June and amended on 9th November, 1928 to officers and servants who retired before the commencement of this Order shall, after the commencement of this Order, be paid by the University;
- (b) the said Scheme shall continue to apply to any person to whom it was applicable immediately before the date of the constitution and founding of the University and who at the said date becomes an officer or servant of the University as if references therein to the Governors were references to the University and as if service with the Governors were service with the University.

(2) For the purposes of the said Scheme employment with the Governors of George Heriot's Trust as constituted prior to the commencement of the Order of 1927 (hereinafter referred to as "the former Governors") shall be taken into account in reckoning the years of service of any officer or servant employed by the Governors (including any person to whom the said Scheme was applicable immediately before the date of the constitution and founding of the University and who at the said date becomes an officer or servant of the University and who subsequent to the said date is superannuated by the University) and the George Heriot Governors shall pay out of their funds to the University the proportion of the superannuation allowances of the officers or servants superannuated by the Governors or by the University, as the case may be, attributable to their years of service under the former Governors based on the respective average salaries or wages of any such officers or servants for the five years prior to the respective dates of their retirement.

(3) The said section 64 of the Order of 1927 shall be read and have effect as if for the reference therein to the Governors where firstly occurring there were substituted a reference to the George Heriot Governors and as if the proviso to the said section were omitted.

(4) The Governors and the individual Governors in office at the commencement of this Order shall respectively be discharged of all their actings and intromissions in respect of the said superannuation fund and of their management and administration thereof and of all obligations, claims and demands in respect of the same.

Legacies, etc., to Governors, etc.

5. No legacy or bequest to or in favour of the Governors or to or in favour of the College in any will or other testamentary writing, whether executed before or after the date of dissolution of the Governors, shall lapse or fail on account of such dissolution but any such legacy or bequest which would, but for such dissolution, have vested in the Governors or in the College shall be paid, delivered, transferred or conveyed to the University:

Provided that the University shall inform the Corporation of any such legacy or bequest and of the terms of the relevant will or other testamentary writing so far as relating to the legacy or bequest and if it appears to the Corporation that the purposes for which the legacy or bequest was given as appearing from the said will or other testamentary writing are purposes which would more appropriately be carried out by them than by the University they may, within two months from the receipt of such information as aforesaid so represent to the University and the University, if satisfied in the matter, or if an arbiter appointed as aftermentioned shall decide in favour of the Corporation, shall thereupon pay, deliver, transfer or convey the legacy or bequest to the Corporation. Any difference arising between the Corporation and the University under this proviso shall be settled by an arbiter to be appointed by the Secretary of State on the application of either party.

6. All costs, charges and expenses incurred preparatory to and in applying for, obtaining and confirming this Order or in any way incidental thereto shall be paid by the Governors. Costs of Order.



PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR
SIR PERCY FAULKNER, K.B.E., C.P.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

CH. **xlvii** · *Heriot-Watt College Order Confirmation*
Act 1965

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price *9d.* net

PRINTED IN ENGLAND



Heriot-Watt College Order Confirmation Act 1965

CHAPTER xlvii

ARRANGEMENT OF SECTIONS

Section

1. Confirmation of Order in schedule.
2. Short title.

SCHEDULE

HERIOT-WATT COLLEGE

1. Short title and commencement of Order.
2. Interpretation.
3. Certain officers and servants to continue to be members of Edinburgh Corporation superannuation scheme.
4. Transfer of superannuation fund of Governors and payment of certain superannuation allowances.
5. Legacies, etc., to Governors, etc.
6. Costs of Order.