STATUTORY INSTRUMENTS

1976 No. 158 (S. 10)

EDUCATION, SCOTLAND

Adam, Bell, Gibson and Stewart Bursaries Trust Scheme 1976

Made - - - - *4th February* 1976

Coming into Operation *4th February* 1976

ARRANGEMENT OF PARAGRAPHS

PART I

CITATION AND INTERPRETATION

Paragraph

1. Citation
2. Interpretation

PART II

CONSTITUTION OF THE GOVERNING BODY

3. Continuance of governing body
4. Composition of governing body
5. Transitional arrangements
6. Election of governors
7. Periods of office
8. Vacation of office
9. Vacancies
10. Validity of proceedings of governing body
11. Execution of deeds

PART III

ADMINISTRATIVE ARRANGEMENTS

12. Chairman
13. Committees
14. Administrative staff
15. Meetings of governing body
16. Quorum of governing body
17. Minute Book
18. Rules and standing orders

Paragraph

PART IV

VESTING AND FINANCIAL ARRANGEMENTS

19. Vesting of Trust
20. Annual Payment into Trust
21. Powers of investment
22. Additional donations
23. Application of income

PART V

PURPOSES OF THE FUND

24. Payments in respect of Infirmaries
25. Bursaries for matriculated students of Glasgow University
26. Bursaries for second degrees for graduates of Glasgow University
27. Conditions of award of bursaries
28. Limitation of value of awards
29. Termination of awards

PART VI

MISCELLANEOUS AND GENERAL PROVISIONS

30. Continuation of benefits
31. Copies of scheme
32. Revocation

SCHEDULE—Particulars of the Endowment to which this Scheme relates

In exercise of the powers conferred on him by section 118(1) and 129 of the Education (Scotland) Act 1962**(a)** and section 125(2) of the said Act as substituted by section 19 of the Education (Scotland) Act 1969**(b)** and all other powers enabling him in that behalf and after—

(a) preparing a draft scheme to amend the Adam, Bell, Gibson and Stewart Bursaries Trust Scheme, 1935

(b) carrying out the procedure specified in section 125(1) of the said Act, and

(c) no objection or proposed amendments to the draft scheme having been received by him,

the Secretary of State hereby makes the following scheme:—

PART I

CITATION AND INTERPRETATION

Citation

1. This scheme may be cited as the Adam, Bell, Gibson and Stewart Bursaries Trust Scheme 1976.

(a) 1962 c. 47. **(b)** 1969 c. 49.

Interpretation

2.—(1) In this scheme unless the context otherwise requires:—

(*a*) "governing body" means the Governors of the Adam, Bell, Gibson and Stewart Bursaries Trust as constituted under paragraph 3 of this scheme;

(*b*) "Scheme of 1935" means the Adam, Bell, Gibson and Stewart Bursaries Trust Scheme 1935 approved by His late Majesty King George VI in Council on 2nd February 1937; and

(*c*) "Trust" means the Adam, Bell, Gibson and Stewart Bursaries Trust.

(2) The Interpretation Act 1889(**a**) shall apply for the interpretation of this scheme as it applies for the interpretation of an Act of Parliament.

(3) References in this scheme to any enactment shall be construed as references to that enactment as amended by or as contained in any other enactment substituted for that enactment.

(4) References in this scheme to a paragraph, schedule, or part shall, except where the context otherwise requires, be construed as references to a paragraph of or a schedule to this scheme or a part of such a schedule as the case may be.

PART II

CONSTITUTION OF GOVERNING BODY

Continuance of governing body

3. For the purposes of carrying this scheme into effect the governing body constituted under the Scheme of 1935 with the name of "The Governors of the Adam, Bell, Gibson and Stewart Bursaries Trust" shall be and is hereby continued under the said name as a body corporate with perpetual succession and a common seal and with all the rights, privileges and powers of a body corporate.

Composition of governing body

4. The governing body shall consist of five elected governors, that is to say:—

(*a*) one person to be elected by the Senatus Academicus of the University of Glasgow;

(*b*) one person to be elected by the Merchants' House of Glasgow;

(*c*) one person to be elected by the Trades' House of Glasgow;

(*d*) one person to be elected by the Royal Faculty of Procurators of Glasgow; and

(*e*) one person to be elected by the Royal Faculty of Physicians and Surgeons of Glasgow.

Transitional arrangements

5. The governors in office on 4th February 1976 shall, subject to the provisions of paragraph 8, hold office until the expiry of the periods of office for which they were respectively elected.

(**a**) 1889 c. 63.

Election of governors

6. The election of governors shall be made either at ordinary meetings of the respective electing bodies or at meetings summoned for the purpose which shall be convened and conducted according to the ordinary rules and practice of the said bodies.

Periods of office

7. Subject to the provisions of paragraph 8:—

(*a*) each governor shall hold office for a period of five years;

(*b*) a governor shall be eligible for further election on the expiry of his period of office.

Vacation of office

8. Any governor who shall intimate in writing his resignation of office, or who shall become bankrupt or otherwise incapacitated to act or who shall for the space of one year without reasonable cause fail to attend any meeting of the governing body, shall be held to have vacated office.

Vacancies

9.—(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 body entitled under paragraph 4 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. Within three months of the intimation a successor shall be elected by the body entitled to make the election.

(3) If the body 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 electing body. Any appointment under this sub-paragraph shall be deemed to be an election by the body entitled to make the election.

(4) A governor elected in place of a governor who has died or otherwise vacated office before the end of his normal period of tenure of office shall, subject to the provisions of paragraph 7(*b*) hold office only during the unexpired portion of the said governor's period of tenure of office.

Validity of proceedings of governing body

10. The validity of any proceedings of the governing body shall not be affected by any vacancy among the governors or by any defect in the election of any of the governors provided that the number of governors validly elected and in office at the time of the said act or proceedings is not less than three.

Execution of deeds

11. All deeds and other writings, sealed with the corporate seal and signed by one of the governors and by a duly authorised officer of the governing body appointed for the purpose, shall be held to be validly executed on behalf of the governing body.

PART III

ADMINISTRATIVE ARRANGEMENTS

Chairman

12. The governing body shall from time to time appoint a chairman from their own number. They may make such arrangements as they think fit for filling his place in the case of his absence.

Committees

13. 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.

Administrative staff

14.—(1) The governing body shall appoint such administrative officers as they consider necessary at such reasonable salaries and under such conditions of service as they may determine. Such staff shall hold office at the pleasure of the governing body. Any officer of the governing body whose duties include intromissions with the funds vested in the governing body shall find such caution for his intromissions as the governing body may require.

(2) No governor acting as clerk or other officer shall be entitled to any remuneration.

Meetings of governing body

15.—(1) The governing body shall hold at least one ordinary meeting 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 of the 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 to 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:

Provided that the chairman or any governor duly authorised by the chairman may convene a meeting on less than seven days' notice but no resolution or motion carried at that meeting shall be valid unless it is voted for by a majority of all of the governors then in office or unless it is confirmed at any subsequent meeting on the usual notice being given.

Quorum of governing body

16.—(1) At all meetings of the governing body three governors shall be a quorum and, subject to the proviso to sub-paragraph (4) of paragraph 15 all questions shall be determined by a majority of the governors present. 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 meeting may be reconvened on less than seven days' notice being given.

Minute book

17. A minute book shall be kept by the governing body and minutes of all proceedings of the governing body shall be entered therein, including resolutions authorising writings or deeds to be executed on behalf of the governing body.

Rules and standing orders

18. 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, the execution of documents and such other matters connected with the business of the governing body as they think fit.

PART IV

VESTING AND FINANCIAL ARRANGEMENTS

Vesting of Trust

19. The endowments described in Part I of the schedule to this scheme which were vested in the governing body under the Scheme of 1935 shall remain vested in the governing body and shall be held, administered and applied by them exclusively in accordance with the provisions of this scheme.

Annual payment into Trust

20. The endowment described in Part II of the schedule to this scheme shall remain vested in the Trustees of Mrs. Bell's Trust, who shall continue to pay each year to the governing body the income of the residue of the said Trust, which but for the provisions of the Scheme of 1935 would have been applicable to the award of bursaries under the last purpose of the Trust Disposition and Settlement constituting Mrs. Bell's Trust.

Powers of investment

21. In regard to the investment of the Trust, the governing body shall have all powers competent to them under the Common Law of Scotland as a body corporate.

Additional donations

22. It shall be in the power of the governing body to receive donations, legacies, annuities, subscriptions and other gifts (hereinafter referred to as "additional donations") for the purposes of this scheme, or for purposes connected therewith. Such additional donations shall be applied in accordance with the directions of the respective testators or donors. In the absence of any specific direction relating thereto the governing body shall add any additional donation to the capital or the income of the Trust or in such proportions as they think fit to both the said capital and income.

Application of income

23.—(1) The governing body after paying the necessary expenses of management and the burdens and taxes affecting the Trust shall apply the free annual income of the Trust in executing the purposes contained in paragraphs 24, 25 and 26 of the scheme.

(2) If at the end of any financial year there is an unexpended balance of income it shall be in the power of the governing body to carry the said balance or part thereof forward to the following financial year or to add the said balance or part thereof to the capital of the Trust.

PART V

PURPOSES OF THE TRUST

Payments in respect of Infirmaries

24. The governing body shall pay annually to the Greater Glasgow Health Board:—

(*a*) The sum of £50 for the purposes of research in the Royal Infirmary of Glasgow in such subject as shall be nominated by and under the direction of the Muirhead Professor of Medicine;

(*b*) The sum of £50 for the purpose of research in the Western Infirmary of Glasgow in such subject as shall be nominated by and under the control of the Regius Professor in the Practice of Medicine in the Western Infirmary, and

(*c*) The sum of £50 to be set aside for the express use of Medical Division Services in the Victoria Infirmary of Glasgow at the discretion of the Chairman for the time being.

Bursaries for matriculated students of Glasgow University

25. The governing body shall as vacancies occur award bursaries of such annual value as they think fit to students entering a Faculty of the University of Glasgow for the first time and who have not previously been matriculated students of a university. The names of Adam, John Gibson and Andrew and Bethia Stewart shall be associated with these bursaries, subject to the following provisos:—

(*a*) preference shall be given, when awarding the Adam Bursary to candidates who declare their intention to include Latin and Greek among the subjects they propose to study; and

(*b*) the John Gibson Bursary shall be awarded to candidates who are Protestants.

Bursaries for second degrees for graduates of Glasgow University

26. The governing body shall award bursaries to graduates of the University of Glasgow who wish to pursue a course of study leading to graduation with or without honours in another Faculty of the University. The names of Bell and Andrew and Bethia Stewart shall be associated with these bursaries.

Conditions of award of bursaries

27.—(1) When awarding bursaries under paragraphs 25 and 26 the governing body:—

(*a*) shall satisfy themselves by such means as they think fit of the attainment, merit and promise of each candidate to whom they make an award;

(*b*) shall have regard to the financial circumstances of each candidate and to the expenses likely to be incurred by him and shall take account of any other bursaries or grants awarded to the candidate.

(2) Each bursary shall be tenable for such number of years as is necessary to enable the holder to graduate with or without honours.

(3) It shall be in the power of the governing body to continue payment of the bursary during any period in which the holder is, with their approval, pursuing his studies abroad.

(4) If the governing body are of the opinion that no candidate merits an award in any year, no award shall be made in that year.

Limitation of value of awards

28. The amount of any award under this scheme to a person who holds, or is to hold, a scholarship or other allowance which is paid out of monies provided by Parliament or out of any fund aided by grants from Parliament, shall not be such as may cause the said scholarship or other allowance to be reduced.

Termination of awards

29. The governing body shall require the holder of any award under this scheme to satisfy them that he is making satisfactory progress in his course of study and if in their opinion any such holder be guilty of serious misconduct or shall fail to make reasonable progress the governing body may terminate the award or suspend the holder from the benefits thereof for such periods as they may think fit and their determination in such cases shall be final.

PART VI

MISCELLANEOUS AND GENERAL PROVISIONS

Continuation of benefits

30. Any person who at 4th February 1976 is a beneficiary under the endowment to which this scheme relates shall continue to enjoy the benefit thereof subject always to the conditions under which it was awarded.

Copies of scheme

31. The governing body shall maintain a supply of printed copies of this scheme and shall cause a copy to be kept available for inspection by any member or officer of the governing body and copies shall be available for sale to the public at a reasonable price.

Revocation

32. The Scheme of 1935 shall cease to have effect on 4th February 1976.

Given under the seal of the Secretary of State for Scotland.

J. F. McClellan,
Assistant Secretary,

Scottish Education Department,
New St. Andrew's House,
Edinburgh.

4th February 1976.

Paragraphs 19 *and* 20

SCHEDULE

PARTICULARS OF THE ENDOWMENT TO WHICH THIS SCHEME RELATES

Name of Endowment	*Founders*	*Governing Instrument*
Adam, Bell, Gibson and Stewart Bursaries Trust		Adam, Bell, Gibson and Stewart Bursaries Trust Scheme, 1935, approved by His late Majesty King George VI in Council on 2nd February, 1937.
comprising:—		
	PART I	
James Adam Foundation	Rev. James Adam, Minister of Cumbrae.	
John Gibson Bursary Fund	Miss Jane Gibson, Glasgow.	
Miss Bethia Stewart's Trust	Miss Bethia Stewart, Crossmyloof.	
	PART II	
Mrs. Bell's Trust (so far as relating to education) (*This endowment remains vested in trustees of Mrs. Bell's Trust and the governing body has vested right to an annual payment*)	Mrs. Mary Allan Dobie or Bell, Glasgow.	