STATUTORY INSTRUMENTS

1980 No. 135 (S. 9)

EDUCATION, SCOTLAND

An Comunn Gaidhealach Educational Trust Scheme 1980

Made - - - - 31*st January* 1980

Coming into Operation 31*st January* 1980

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In exercise of the powers conferred on him by sections 118(1) and 125(2) of the Education (Scotland) Act 1962(a) and all other powers enabling him in that behalf and after

(*a*) preparing a draft scheme for the future management of the educational endowments held by the General Council of An Commun Gaidhealach,

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

(*c*) no objections 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 An Comunn Gaidhealach Educational Trust Scheme 1980.

Interpretation

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

"An Comunn Gaidhealach" means the Highland Association instituted in 1891 and defined in the Constitution approved on 1st May 1976;

"Committee" means the Finance Committee of the General Council of An Comunn Gaidhealach;

"Governing Body" means the Governors of An Comunn Gaidhealach Educational Trust constituted in terms of paragraph 3 of this scheme;

"Fund" means An Comunn Gaidhealach Educational Trust Investment Fund;

"National Mod" means the National Mod held annually and defined in the Constitution of An Comunn Gaidhealach;

"Provincial Mods" means Provincial Mods as defined in the Constitution of An Comunn Gaidhealach;

"Trust" means the endowment known as An Comunn Gaidhealach Educational Trust.

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

(a) 1962 c. 47; section 125 was substituted by the Education (Scotland) Act 1969 (c. 49), section 19.

PART II

VESTING, FINANCIAL AND ADMINISTRATIVE ARRANGEMENTS

Incorporation of the Governors of An Comunn Gaidhealach Educational Trust

3. For the purpose of carrying this scheme into effect the members for the time being of the General Council of An Comunn Gaidhealach shall be incorporated under the name of the Governors of An Comunn Gaidhealach Educational Trust and under that name shall be a body corporate with perpetual succession and a common seal, and with all rights, privileges and powers of a body corporate.

Vesting of endowments

4. From and after 31st January 1980 the endowments named and described in schedule 1 shall be transferred and vested in the governing body without the necessity of any new instrument or conveyance. The said endowments shall be amalgamated to form 'An Comunn Gaidhealach Educational Trust' and shall be held, administered and applied by the governing body exclusively in accordance with the provisions of this scheme.

Additional donations

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

Investment Fund

6.—(1) The governing body shall, within twelve calendar months from 31st January 1980 establish An Comunn Gaidhealach Educational Trust Investment Fund and shall transfer to the Fund, the investments and any uninvested monies representing the capital of the endowments listed in schedule 1.

(2) The capital of each of the endowments transferred to the Fund shall be valued, and the governing body shall allot to each endowment one share of the combined investment for each £1 of the value of the endowment so valued.

Powers of investment

7.—(1) It shall be in the power of the governing body to invest capital and to change the investments in which capital is invested, in such manner as they think fit. Before exercising these powers they shall obtain and consider proper advice.

(2) It shall be in the power of the governing body to retain any investments in which capital is invested. The governing body shall review their investments at regular intervals and may hold such additional reviews as they consider desirable. For the purpose of such reviews they shall obtain and consider proper advice.

(3) For the purpose of this paragraph "proper advice" means the advice of a person, other than an officer of the governing body, who is reasonably believed by the governing body to be qualified by his ability in, and practical experience of, financial matters to advise the governing body on the exercise of their powers under this paragraph.

Business arrangements

8. The business of the Trust shall stand referred to the Finance Committee of the General Council of An Comunn Gaidhealach and the governing body before exercising any power conferred upon them under this scheme shall, unless in their opinion the matter is urgent, receive and consider the report of the committee with respect to the matter in question, provided that it shall be in the power of the governing body to delegate any or all of their said powers to the committee. The business may be transacted either at ordinary meetings of the governing body or of the committee or at meetings summoned for the purpose which shall be convened and conducted according to the ordinary rules and practice of the governing body or of the committee as the case may be.

Rules and regulations

9. It shall be in the power of the governing body to make such rules and regulations as they think fit for the exercise of their functions under this scheme, provided that no such rule or regulation shall be inconsistent with the provisions of this scheme.

Application of income

10.—(1) The governing body after paying the necessary expenses of management and the burdens and taxes affecting the Trust shall in each financial year apply as nearly as possible the whole of the free income of the Trust in fulfilling the provisions of paragraphs 16, 12 and 13 and thereafter paragraph 11 of this 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 year or to add the said balance or part thereof to the capital of the Trust.

PART III
PURPOSES OF TRUST

Grants for the promotion of Gaelic

11. The governing body may make grants of such amounts as they think fit to persons and bodies, in Scotland or such other areas as they may from time to time determine, for the following purposes:—

(*a*) the teaching, study and use of the Gaelic language; and

(*b*) the study and publication of Gaelic literature, history, music and art.

Awards for the promotion of Gaelic

12. The governing body shall make the awards for the promotion of Gaelic shown in schedule 2, subject to the conditions specified in column 3 opposite the name of the award in column 2.

Prizes

13.—(1) The governing body shall award the prizes shown in parts I and II of schedule 3, subject to any conditions specified in column 3 opposite the name of the award in column 2.

(2) The governing body may conjoin any two or more of the prizes provided that the special conditions for the award of the prizes to be conjoined, which are set out in column 3 opposite the name of the prize in column 2 of schedule 3, are fulfilled; and that suitable acknowledgement of the individual donors is made in describing the conjoined prize.

(3) If any competition specified in column 3 of schedule 3 is discontinued, it shall be in the power of the governing body to award the prize or prizes attached thereto for such other competition, existing or new as they think fit, provided that in the exercise of the said power they shall have particular regard to the said conditions set out in column 3.

(4) If the governing body are of the opinion that no competitor merits the award of a particular prize in any year, no award shall be made in that year.

Withdrawal of awards and grants

14. The governing body may require any person or body to whom an award or grant (hereinafter referred to as "award") has been made under this scheme to satisfy them that the award has been properly used. They may withdraw the award or suspend it for such period as they think fit, if in their opinion any beneficiary shall fail to make proper use of the award. The decision of the governing body shall be final.

Limitation of value of award

15. The amount of any award made under this scheme to a person who holds, or is to hold, a bursary, 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 bursary, scholarship or other allowance to be reduced.

PART IV

MISCELLANEOUS PROVISIONS

Continuation of benefits

16. Any person who at 31st January 1980 is a beneficiary under an endowment to which this scheme relates shall continue to enjoy the benefit thereof subject to fulfilling the conditions under which the award was made.

Copies of scheme

17. 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.

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

Alastair D. F. Findley,
Assistant Secretary.

Scottish Education Department,
New St. Andrew's House,
Edinburgh.
31st January 1980.

Paragraph 4

SCHEDULE 1

PARTICULARS OF ENDOWMENTS TO WHICH THE SCHEME RELATES

Serial Number (1)	*Name of Endowment* (2)	*Designation of Founders* (3)	*Governing Instrument* (4)
1	Bannerman Memorial Fund	Subscribers to the Fund	Minutes of Meeting of Management Committee of An Comunn Gaidhealach dated 9th November 1979.
2	Charles Campbell Memorial Fund	Mrs Campbell	Letter dated 13th June 1957 setting forth trust purposes.
3	Miss Olive Campbell of Inverneill Trophy Fund	Miss Campbell, Inverneill	Minute of Meeting of An Comunn Gaidhealach dated 7th September 1963.
4	Ceilidh nan Gaidheal Prize Fund	Ceilidh nan Gaidheal of Glasgow	Annual Report of Finance Committee of An Comunn Gaidhealach for the year ended 31st March 1971.
5	Mrs Marjory Kennedy-Fraser Memorial Fund	Subscribers to the Fund	Discharge issued on 29th November 1932 by the Treasurer of An Commun Gaidhealach.
6	Gold Medal Final Fund	Clan Maclean Association, Glasgow	Minute of Meeting of Southern Region of An Comunn Gaidhealach dated 30th March 1974.
7	James Grant Memorial Fund	Subscribers to the Fund	Annual Report of Finance Committee of An Comunn Gaidhealach for year ended 31st May 1920.
8	Mrs Mary Lamont Memorial Prize	Ian Maclean, Leatherhead	Minute of Meeting of Mod and Music Committee of An Comunn Gaidhealach dated 7th November 1970.
9	Duncan Livingstone Bequest	Duncan Livingstone, Pretoria	Agreement setting forth trust purposes signed by the Finance Committee of An Comunn Gaidhealach on 4th August 1955.
10	Hugh McCorquodale (Fingal) Memorial Fund	Fingal Memorial Committee	Minute of Meeting of Finance Committee of An Comunn Gaidhealach dated 29th June 1942.

SCHEDULE 1—*continued*

Serial Number (1)	*Name of Endowment* (2)	*Designation of Founders* (3)	*Governing Instrument* (4)
11	John Mackay Fund	Donald Mackay, Hereford	Will dated 25th July 1912 and proved in the Principal Probate Registry of HM High Court of Justice in London on 10th January 1921; also Trust deeds signed by Miss Jessie Sutherland Mackay and Alexander Fraser and other Trustees on behalf of An Comunn Gaidhealach registered in the Books of Council and Session at Edinburgh on 18th May 1922.
12	Mrs Quintin McLennan Bequest	Quintin McLennan, Physician and Surgeon in Glasgow	The "Mrs Quintin McLennan Bequest" Scheme approved by the Court of Session on 26th June 1930.
13	Roderick MacLeod Memorial Fund		Minutes of Meeting of Mod and Music Committee of An Comunn Gaidhealach dated 9th December 1972 and 17th February 1973.
14	Robert MacMillan Fund	Robert MacMillan, Giffnock	Annual Report of Finance Committee of An Comunn Gaidhealach for year ended 31st May 1921.
15	Angus and Margaret McNeill Fund	Murdoch McNeill, Isle of Colonsay	Trust Disposition dated 25th Februay 1949 and registered in the Books of the Commissariat of Argyll on 25th March 1959.
16	Dr. Roger McNeill Fund	Roger McNeill, Doctor of Medicine, Oban	Trust Disposition and Settlement dated 3rd April 1924 and registered in Books of Council and Session on 29th April 1924.
17	John McNicol Memorial Fund	Subscribers to the Fund	Minute of Meeting of An Comunn Gaidhealach dated 23rd August 1958.
18	James C. Macphee Memorial Fund	Gaelic Society of London	Minute of Meeting of An Comunn Gaidhealach dated 14th March 1964.

19	Mrs L. C. Milloy Millar Bequest	Mrs L. C. Milloy Millar, Johannesburg	Will dated 15th November 1954 and registered at Johannesburg, South Africa.
20	Maclean-Nicol Memorial Award	Mr H. W. Waller Butter	Minute of Meeting of Mod and Music Committee of An Comunn Gaidhealach dated 26th May 1973.
21	Mrs Stewart of Simla Fund	Mrs Stewart of Simla	Minutes of Meetings of An Comunn Gaidhealach dated 31st May and 7th July 1925.
22	The Strathmore Celtic Society's Fund	Subscribers to the Fund	Trust Deed by The Strathmore Celtic Society, Forfar dated 8th and 10th April 1915 and registered in the Books of Council and Session on 1st May 1915.
23	War Memorial and Thanksgiving Fund	Subscribers to the Fund	Minute of Meeting of Finance Committee of An Comunn Gaidhealach dated 5th November 1946.
24	Miss Williamina Millar Weir Bequest	Miss Williamina Millar Weir, Alexandria, Dunbartonshire	Trust Disposition and Settlement dated 17th March 1953 and registered in the Books of Council and Session on 31st January 1958.

Paragraph 12

SCHEDULE 2

AWARDS FOR THE PROMOTION OF GAELIC

Serial No. (1)	*Name of Award* (2)	*Conditions of award and persons entitled to a preference* (3)	*Serial No. in Schedule* 1 (4)
1	Bannerman Memorial Award	Awarded for a piece of Gaelic writing, whether poetry or prose	1
2	John Mackay Award	Awarded for any of the purposes of paragraph 11	11
3	Mrs Quintin McLennan Award	Awarded for any of the purposes of paragraph 11 to persons or bodies in the Highland Regional or Western Isles areas	12
4	Dr Roger McNeill Award	Awarded for any of the purposes of paragraph 11	16
5	Strathmore Celtic Society's Award	Awarded for any of the purposes of paragraph 11 to persons or bodies in the District of Angus and thereafter in Tayside Region	22
6	War Memorial and Thanksgiving Award	For the benefit of young persons who speak or are learning to speak Gaelic	23

Paragraph 13

SCHEDULE 3
PRIZES

Serial No. (1)	*Name of Prize* (2)	*Special Conditions* (3)	*Serial No. in Schedule 1* (4)
	PART I PRIZES TO BE AWARDED AT NATIONAL MOD		
1	Charles Campbell Memorial Prize	Awarded for solo singing	2
2	Miss Olive Campbell of Inverneill Prize	Awarded for unison singing	3
3	Ceilidh nan Gaidheal Prize	Awarded in the literary section	4
4	Mrs Marjory Kennedy-Fraser Prize	Awarded for solo singing	5
5	Gold Medal Final Prize	Awarded for solo singing	6
6	James Grant Memorial Prize	—	7
7	Mrs Mary Lamont and Roderick Macleod Memorial Prize	Awarded for singing of traditional songs	8 and 13
8	Hugh McCorquodale (Fingal) Memorial Prize	Awarded in the literary section	10
9	Mrs Quintin MacLennan Prize	Awarded for fiddle playing and for solo singers	12
10	Robert MacMillan Prize	Awarded in the literary section	14
11	Angus and Margaret McNeill Prize	Awarded in the literary section. If in the opinion of the Council no suitable composition in Gaelic prose or verse is submitted in any year, they may expend the income on such other literary award as the Council may determine.	15

SCHEDULE 3—*continued*

Serial No. (1)	*Name of Prize* (2)	*Special Conditions* (3)	*Serial No. in Schedule* 1 (4)
12	John McNicol Memorial Prize	Awarded for choral singing	17
13	James C. Macphee Memorial Prize	Awarded for solo singing	18
14	Maclean-Nicol Memorial Prize	Awarded for choral singing	20
15	Mrs Stewart of Simla Prize	Awarded for Scripture in Gaelic	21
16	Miss Williamina Millar Weir Prize	Awarded in the literary section	24
	PART II PRIZES TO BE AWARDED AT PROVINCIAL MODS		
17	Neil Livingstone of Tobermory and Glasgow Prize	Awarded in the literary section of the Mull Mod	9
18	Catriona MacKenzie Livingstone Prize	Awarded for solo singing at the Mull Mod	9
19	Mrs L. C. Milloy Millar Prize	Awarded for Argyllshire music, song and verse at the Oban Mod	19