STATUTORY INSTRUMENTS

1979 No. 1227 (S. 107)

EDUCATION, SCOTLAND

The Anderson and Woodman Library Trust Scheme 1979

Made - - - -	*27th September* 1979
Coming into Operation	*27th September* 1979

ARRANGEMENT OF PARAGRAPHS

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SCHEDULE—Particulars of endowment to which this scheme relates

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 endowment known as the Anderson and Woodman Library Trust,

(*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:—

Citation

1. This scheme may be cited as the Anderson and Woodman Library Trust Scheme 1979.

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

Interpretation

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

"District Council" means the Banff and Buchan District Council;

"Regional Council" means the Grampian Regional Council;

"Trust" means the endowment known as the Anderson and Woodman Library Trust.

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

Transfer and vesting of endowment

3.—(1) From and after 27th September 1979 the endowment known as the Anderson and Woodman Library Trust and described in the schedule to this scheme shall be and is hereby transferred to and vested in the District Council without the necessity of any new instrument or conveyance. The said Trust shall be held and administered by the District Council in accordance with the provisions of this scheme.

(2) Without prejudice to anything contained in sub-paragraph (1) hereof—

(*a*) If the District Council think fit to complete a title to any part of the heritable property vested in them by virtue of this scheme by expeding a notarial instrument or notice of title or otherwise, this scheme shall be deemed to be and may be used as a general disposition or assignation as the case may be of such heritable property in favour of the District Council.

(*b*) The Regional Council or any person in whose name any part of the moveable property hereby vested in the District Council is registered shall if so required by the District Council execute a transfer of the said property to the District Council.

Transfer of papers etc.

4. As soon after 27th September 1979 as can conveniently be arranged the Regional Council shall hand over all cash balances, books, deeds and papers relating to the Trust to the District Council who shall discharge any lawful debts affecting it and shall, after satisfactory examination and audit of the accounts, grant the Regional Council a discharge of their intromissions.

Disposal of property

5. The District Council may sell, lease, grant options over or otherwise dispose of at market value such part of the heritable or moveable property held by them under this scheme which is in their opinion not essential for the maintenance of the Trust purposes laid down in paragraph 9. The sum realised from any such transaction shall be added to the capital of the Trust.

Business arrangements

6. The business of the Trust shall stand referred to the Leisure and Recreation Committee of the District Council, and the District Council 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 said Committee with respect to the matter in question, provided that it shall be in the power of the District Council to delegate any or all of their said powers to the said Committee or to the Joint Committee of the North East of Scotland Library Service, or both. The said business may be transacted either at ordinary meetings of the District Council or of the said Committees or at meetings summoned for the purpose which shall be convened and conducted according to the ordinary rules and practice of the District Council or of the said Committees and in accordance with the provisions of this scheme.

Application of income

7.—(1) The District Council, after paying all the necessary expenses of management and other outgoings affecting the Trust, shall in each financial year apply as nearly as possible the whole of the free income of the Trust, including any balance carried forward from the previous financial year under sub-paragraph 7(2), in executing the purposes of the Trust.

(2) If at the end of any financial year there is an unexpended balance of income the District Council shall carry the said balance or part thereof forward to the following financial year or add the said balance or part thereof to the capital of the Trust.

Powers of investment

8. In regard to the investment of Trust funds, the District Council shall have all powers competent to them under the common law of Scotland as a body corporate.

Anderson and Woodman Library

9.—(1) The District Council shall provide, maintain and administer in the premises vested in them by virtue of this scheme, or in such premises as they may acquire, a library and a reading room which shall be known as the Anderson and Woodman Library, for the intellectual, moral and spiritual advancement of persons belonging to the town and neighbourhood of Strichen.

(2) It shall be in the power of the District Council to expend such proportion of the capital of the Trust as they think fit on improvement of the premises of the Library, and to make such regulations and charges for the use of the Library as they think fit.

(3) The present library and any additions made to that collection shall continue to be housed in the existing Library buildings as long as they are suitable for the provision of a satisfactory library service in Strichen and the surrounding area.

(4) The commemorative Plaque above the entrance of the Library bearing the names of the late Thomas Woodman and the late Andrew Anderson shall be retained there or on any other building that may at some future time house the Library.

(5) The pictures, minute books, records etc. pertaining to the Trust shall be retained in the Library.

Copies of scheme

10. The District Council shall maintain a supply of printed copies of this scheme and copies shall be available for sale to the public at a reasonable price.

Revocation

11. The Anderson and Woodman Library Trust Scheme 1970(a) shall cease to have effect on 27th September 1979.

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

A. D. F. Findlay,
Assistant Secretary.

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

27th September 1979.

(a) S.I. 1970/1490.

SCHEDULE

Paragraph 3(1)

PARTICULARS OF ENDOWMENT TO WHICH THIS SCHEME RELATES

Name of Endowment	*Founders*	*Governing Instrument*
The Anderson and Woodman Library Trust Comprising: the heritable subjects known as the Anderson and Woodman Library, Strichen (formerly the dwellinghouse and others known as number Fifty-nine Water Street, Strichen) and the moveable property pertaining thereto.	Andrew Anderson, Barrister-at-Law Thomas Woodman	The Anderson and Woodman Library Trust Scheme 1970 made by the Secretary of State for Scotland on 5th October 1970.