STATUTORY INSTRUMENTS

1974 No. 1188 (S.99)

EDUCATION, SCOTLAND

Brown-Downie Fellowship Fund Scheme 1974

Made - - -	11*th July* 1974
Coming into Operation	11*th July* 1974

ARRANGEMENT OF SECTIONS

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SCHEDULE—Particulars of endowment to which this scheme relates.

In exercise of the powers conferred on him by section 118(1) 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 for the future management of the endowment known as the Brown-Downie Fellowship Fund,

(*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 Brown-Downie Fellowship Fund Scheme 1974.

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

Interpretation

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

'Trustees' means the Brown-Downie Trustees.

(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 or scheme shall, except where the context otherwise requires, be construed as references to that enactment or scheme as amended by or under any enactment or scheme or as contained in any other enactment or scheme substituted for that enactment or scheme.

The Brown-Downie Trustees

3. The following persons, ex-officio, or their successors in office, shall be known as the Brown-Downie Trustees:—

(*a*) The Principal Clerk of the General Assembly of the Church of Scotland;

(*b*) the General Treasurer of the Church of Scotland;

(*c*) the Principal of New College, Edinburgh;

(*d*) the Principal of Trinity College, Glasgow;

(*e*) the Master of Christ's College, Aberdeen;

(*f*) the Principal of St. Mary's College, St. Andrews,

provided that if there should be no Principal or Master of such colleges or any of them, the Dean of the Faculty of Divinity of the University of which the respective college or colleges formed part and his successors in office shall be a trustee.

Vesting of endowment

4. From and after 11th July 1974 the endowment known as the 'Brown-Downie Fellowship Fund' which is described in the Schedule to this scheme shall continue to be vested in the Trustees and shall be held and administered by them exclusively in accordance with the provisions of this scheme.

Application of income

5.—(1) After paying all the necessary expenses of management and other outgoings affecting the Fund, the Trustees shall apply in each financial year as nearly as possible the whole of the free income of the Fund in executing the purposes of section 6 of this scheme.

(2) If at the end of any financial year there is an unexpended balance of income, the said balance shall be added to the capital of the fund, but may at the discretion of the Trustees, be expended in adding to the Theological Libraries of New College, Trinity College, Christ's College and St. Mary's College standard works on Church History.

(a) 1889 c. 63.

Purpose of Fund

6.—(1) The Trustees shall award Brown-Downie Fellowships, which shall be tenable for one year, to enable the holder to give his undivided time and attention to higher attainment in a subject approved by the Trustees.

(2) The fellowship shall be open to candidates preparing for the Ministry of the Church of Scotland or the United Free Church of Scotland who have completed an Arts Course in a Scottish University or in the opinion of the Trustees have distinguished themselves in some approved department of study and are attending classes in any of the Theological Colleges or Divinity Faculties of a Scottish University or in any Theological College of the United Free Church of Scotland or who have completed their course at any of the said Colleges or Faculties in the second half of the previous session.

Rules and standing orders

7. The Trustees may make such rules and regulations as they think fit for the exercise of their functions under this scheme. These functions shall include:—

(1) the method of selection of the Fellow;

(2) the method of payment of the award, and

(3) the right to withhold the fellowship in any year where no suitable candidate is available.

Limitation of value of fellowship

8.—(1) The amount of the fellowship awarded under this scheme to a person who holds, or is to hold, a scholarship which is paid out of monies provided by Parliament or out of any fund aided by grants from Parliament shall not be such as will cause the said scholarship or allowance to be reduced.

(2) The holder of a fellowship under this scheme shall, if required by the Trustees, furnish a statement of all other awards he holds. The Trustees shall have the right to adjust the value of the said fellowship in order to ensure that the combined annual value of all the awards held by him shall not exceed such sum as the Trustees shall determine.

Withdrawal of fellowship

9. The Trustees may require the holder of any fellowship under this scheme to satisfy them that he is making satisfactory progress in the course of study which he has undertaken. If in the opinion of the Trustees any such holder is guilty of serious misconduct or is failing to make satisfactory progress the Trustees may withdraw the fellowship or suspend the holder from its benefits, and the decision of the Trustees shall be final.

Continuation of benefits

10. Any person who at 11th July 1974 is a beneficiary under the endowment to which this scheme relates shall continue to enjoy the benefits thereof subject always to the conditions under which it was awarded.

Copies of Scheme

11. The Trustees shall ensure that a copy of this scheme is kept available for inspection by any member or officer of the Trust and copies shall be made available to the public at a reasonable price.

Revocation

12. The Scheme for the administration of the Brown-Downie Fellowship Fund approved by the Court of Session on 27th March 1951 shall cease to have effect on 11th July 1974.

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

J. A. Ferguson,
Assistant Secretary.

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

11th July 1974.

SCHEDULE

PARTICULARS OF ENDOWMENT TO WHICH THIS SCHEME RELATES

Name of endowment	*Founder*	*Governing Instrument*
Brown-Downie Fellowship Fund	Ebenezer Brown Export Bottler West Campbell Street Glasgow	Scheme for the administration of the Brown-Downie Fellowship Fund approved and amended by decree of the Court of Session dated 27th March and extracted 9th May 1951

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