STATUTORY INSTRUMENTS

1981 No. 40 (S.3)

EDUCATION, SCOTLAND

The Colonel Maclean Trust Scheme 1980

Made - - - - 9*th January* 1981

Coming into Operation 9*th January* 1981

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SCHEDULE—Particulars of the endowment to which this scheme relates

In exercise of the powers conferred on him by sections 105(1) and 112(5) of the Education (Scotland) Act 1980(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 Colonel Alexander Maclean's Trust,

(*b*) carrying out the procedure specified in section 112(1) of the said Act,

(*c*) receiving and considering proposed amendments to the draft scheme,

(*d*) framing a scheme under section 112(3) of the said Act to take account of the proposed amendments received,

(*e*) carrying out the procedure specified in section 112(4) of the said Act, and

(*f*) no petition or appeal having been presented to the Court of Session and no petition having been presented to him,

the Secretary of State hereby makes the following scheme:—

Citation

1. This scheme may be cited as the Colonel Maclean Trust Scheme 1980.

Interpretation

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

"Regional Council" means Strathclyde Regional Council acting as governing body of the Colonel Maclean Trust;

(a) 1980 c. 44.

"Trust" means the Colonel Maclean Trust, as defined in paragraph 3;

"area of benefit" means Strathclyde Region.

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

Division and vesting of trust funds

3. From and after 9th January 1981 the funds of the endowment known as Colonel Alexander Maclean's Trust and described in the Schedule to this scheme shall be divided and vested in the following manner:

(*a*) the balance of capital and revenue represented by the General Account shall continue to be vested in the Regional Council as statutory successors to the former Glasgow Corporation and shall be held and administered by them, under the name of the Colonel Maclean Trust, exclusively in accordance with the provisions of this scheme;

(*b*) the balance of capital and revenue represented by the Presbyteries Account, having been determined as at 9th January 1981, shall be divided in two equal parts, one part of which shall be vested in the General Trustees of the Free Church of Scotland, the other part of which shall be vested in the Glasgow Presbytery of the Church of Scotland. These funds, which shall be known respectively as the Colonel Maclean (Free Church of Scotland) Trust and the Colonel Maclean (Church of Scotland) Trust, shall be held and administered by each body exclusively in accordance with the relevant schemes for the management of the funds approved by the Secretary of State under section 115 of the Education (Scotland) Act 1980**(a)**.

Business arrangements

4.—(1) The business of the trust shall stand referred to the Education Committee of the Regional Council and may be transacted at ordinary meetings of that committee or at meetings summoned for the purpose which shall be convened and conducted according to the ordinary rules and practice of the Regional Council or of the said committee.

(2) The Regional Council may establish a special sub-committee of the Education Committee consisting of members of the Education Committee and it shall be in the power of the Education Committee to delegate any or all of their powers under this scheme to the special sub-committee. In the event of the special sub-committee being established, the Regional Council shall make regulations under paragraph 5 as to the period of office of members of the special sub-committee, the quorum and the mode of conducting business at meetings of the special sub-committee.

Rules and standing orders

5. It shall be in the power of the Regional Council to make such rules and standing orders as they think fit for the exercise of their functions under this scheme, provided that the said rules and standing orders shall be consistent with the provisions of this scheme.

Powers of investment

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

(a) 1980 c. 44.

Application of income

7.—(1) The Regional Council after paying the necessary expenses of administration and the burdens and taxes affecting the trust shall apply the free annual income of the trust in executing the purposes 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 Regional Council 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.

Purposes of the trust

8.—(1) The Regional Council may in each financial year award grants of such annual value as they think fit to assist applicants ordinarily resident in the area of benefit to:

(*a*) obtain qualifications additional to a degree, associateship, diploma or certificate of a University or other institute of further or higher education already obtained;

(*b*) serve an apprenticeship, undergo a course of technical instruction or gain experience of the details of any profession, trade or occupation, pay any fees which may be charged for such apprenticeship, instruction or practical training, obtain any necessary books, instruments, tools, kit or personal equipment;

(*c*) train in a trade or profession other than that in which they are at present trained;

(*d*) undertake a course provided by the Open University for which they have registered or are about to register;

(*e*) travel either in Great Britain or abroad for any purpose of an educational nature, provided that applicants shall submit to the Regional Council a statement of the purposes for which the journey is to be undertaken, the places to be visited, and the probable length of absence from home;

(*f*) undertake residential work experience courses or attend seminars in connection with their studies;

(*g*) attend a course or obtain special tuition in any academic, artistic, scientific or technical subject or subjects.

(2) In the event of there being insufficient funds in any one year to satisfy all applications, the Regional Council shall give priority to applicants of the surname Maclean or variants thereof.

Limitation of value of awards

9. The amount of any award made 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 shall not be such as may cause the said scholarship or other allowance to be reduced.

Withdrawal of awards

10. The Regional Council shall require the holders of awards made under paragraph 8 to satisfy them that they are either making reasonable progress in their course of study or taking proper advantage of the award. If in the opinion of the Regional Council any such holder shall be guilty of serious misconduct or shall fail either to make reasonable progress or to take sufficient advantage of the award, the Regional Council may withdraw the award or suspend the holder from its benefits and the decision of the Regional Council shall be final.

Continuation of benefits

11. Any person who at 9th January 1981 is a beneficiary under the trust to which this scheme relates shall continue to enjoy the benefit thereof subject always to the conditions under which it was awarded.

Publicising of trust

12.—(1) The Regional Council shall take appropriate steps, including the insertion at such time or times each year as they think fit of an advertisement in one or more newspaper circulating in the area of benefit, to make information about the purposes of the Trust available to the public.

(2) In all such advertisements or other notifications and on such application forms as they may provide, the Regional Council shall ensure that attention is drawn to the terms of paragraph 8(2) and in furtherance thereof shall arrange for the insertion of a notice at appropriate times in the magazine of the Clan Maclean.

Copies of scheme

13. The Regional 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

14. The scheme for the administration of Colonel Alexander Maclean's Trust approved by Interlocutor of the Court of Session on 18 July 1895 shall cease to have effect on 9th January 1981.

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

Alastair D. F. Findlay,
Assistant Secretary.

Scottish Education Department,
New St. Andrew's House,
Edinburgh.
9th January 1981.

SCHEDULE *Paragraph 3*

PARTICULARS OF THE ENDOWMENT TO WHICH THIS SCHEME RELATES

Name of Endowment	Founder	Governing Instrument
Colonel Alexander Maclean's Trust comprising: (*a*) General Fund; (*b*) Presbyteries Fund	Alexander Maclean of Millport, late Lieutenant-Colonel of the 3rd West India Regiment	Scheme approved by Interlocutor of the Court of Session on 18 July 1895

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