STATUTORY INSTRUMENTS

1982 No. 109 (S.16)

EDUCATION, SCOTLAND

The Dumfries Boys' Home Trust Scheme 1982

Made - - - -	1*st February* 1982
Coming into Operation	1*st February* 1982

ARRANGEMENT OF PARAGRAPHS

1. Citation
2. Interpretation
3. Transfer and vesting of endowment
4. Transfer of cash balances, books, deeds and papers
5. Dissolution of governing body
6. Revocation

SCHEDULE—Particulars of the endowments to which this scheme relates.

In exercise of the powers conferred on him by sections 105(1) and 112(2) 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 endowments specified and described in the schedule to this scheme,

(b) carrying out the procedure specified in section 112(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 Dumfries Boys' Home Trust Scheme 1982.

Interpretation

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

"endowment" means the Dumfries Boys' Home Trust;

"governing body" means the Governors of the Dumfries Boys' Home Trust as continued by the Scheme of 1959;

"Scheme of 1959" means the Dumfries Boys' Home Trust Scheme 1959 approved by Her Majesty in Council on 8th April 1960; and

"Governors" means the Governors of the Dumfries and Galloway Children's Home Trust constituted under the Dumfries and Galloway Children's Home Trust Scheme 1981(b) .

(a) 1980 c. 44.

(b) S.I. 1981/1583.

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

Transfer and vesting of endowment

3.—(1) From and after the coming into operation of this scheme, the properties heritable and moveable of the endowment specified at serial number 1 in the Schedule, together with all rights, liabilities and interests therein and the benefit of the annual payment from the endowment specified at serial number 2 in the Schedule shall be and are hereby transferred to and vested in the Governors without the necessity of any new instrument or conveyance and shall be held, administered and applied by them exclusively in accordance with the provisions of the Dumfries and Galloway Children's Home Trust Scheme 1981.

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

(*a*) If the Governors think fit to complete 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 Governors.

(*b*) Any person in whose name any part of the moveable property hereby vested in the Governors is registered shall, if so required by the Governors, execute a transfer of the said property to the Governors.

(3) Without prejudice to any other powers enabling them in that behalf, the Governors shall have power to sell the heritable property vested in them by virtue of this scheme, provided that the proceeds of any such sale shall be added to the capital of the Dumfries and Galloway Children's Home Trust.

Transfer of cash balances, books, deeds and papers

4.—(1) As soon as convenient after the coming into operation of this scheme, the governing body shall make over to the Governors all capital sums, cash balances, books, deeds and papers pertaining to the endowment to which they have right as governing body.

(2) The Governors shall discharge the lawful debts of the endowment vested in them by paragraph 3(1):

Provided that the liability of the Governors shall be limited to the amount which can be realised from the assets of the endowment, and the Governors shall grant the governing body a discharge of their intromissions after the accounts of the endowment have been audited and found correct.

Dissolution of governing body

5. The incorporation named "The Governors of the Dumfries Boys' Home Trust" shall cease to exist as from the date of the discharge granted to it under paragraph 4(2).

Revocation

6. The Scheme of 1959 shall cease to have effect on the coming into operation of this scheme.

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.
1st February 1982.

SCHEDULE

[Paragraph 3]

PARTICULARS OF THE ENDOWMENTS TO WHICH THIS SCHEME RELATES

Serial No (1)	Name of endowment (2)	Founders (3)	Governing Instruments (4)
1.	The Dumfries Boys' Home Trust.	Subscribers to the Boys' Home, Dumfries and George McLellan, sometime baker in Dumfries.	Dumfries Boys' Home Trust Scheme 1959 approved by Her Majesty in Council on 8th April 1960.
2.	Miss Mary Kerr Clark Trust, in so far as relating to an annual payment to the Dumfries and Maxwelltown Industrial School.	Miss Mary K Clark sometime of 74 High Street, Dumfries.	Trust Disposition and Settlement dated 25th January and registered in the Sheriff Court Books of the County of Dumfries on 4th April, both in the year 1922.

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