STATUTORY INSTRUMENTS

1975 No. 699 (S. 117)

EDUCATION, SCOTLAND

Dundee Institute of Art and Technology Scheme 1975

Made - - - - 21*st April* 1975

Coming into Operation 21*st May* 1975

ARRANGEMENT OF PARAGRAPHS

Paragraph

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SCHEDULE—Particulars of the Properties and Endowments 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(5) 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 reorganisation of the properties and endowments specified and described in the Schedule to this scheme,

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

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

(*d*) framing a scheme under section 125(3) of the said Act,

(*e*) carrying out the procedure specified in section 125(4) of the said Act, and

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

(*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 Dundee Institute of Art and Technology Scheme 1975.

Interpretation

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

"governing body" means the governing body of Dundee Institute of Art and Technology constituted and incorporated under the provisions of section 1 of the Dundee Institute of Art and Technology Schemes 1933 and 1939;

"Governors of Dundee College of Technology" means the Governors of Dundee College of Technology as constituted and incorporated under the provisions of paragraph 3 of the Dundee College of Technology Scheme 1975;

"Governors of Duncan of Jordanstone College of Art" means the Governors of Duncan of Jordanstone College of Art as constituted and incorporated under the provisions of paragraph 3 of the Duncan of Jordanstone College of Art Scheme 1975, and

"Schemes of 1933 and 1939" means the Dundee Institute of Art and Technology Scheme 1933 as amended by the Dundee Institute of Art and Technology (Amendment) (No. 1) Scheme 1939.

(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 other enactment or scheme or as contained in any other enactment or scheme substituted for that enactment or scheme.

Transfer of properties and endowments

3.—(1) From and after 1st August 1975 the properties, heritable and moveable, and the endowments specified and described in Part I of the Schedule to this scheme together with all rights, interests and liabilities therein shall be and are hereby transferred to and vested in the Governors of Dundee College of Technology without the necessity of any new instrument or conveyance.

(2) From and after 1st August 1975 the properties, heritable and moveable, and the endowments specified and described in Part II of the Schedule to this scheme together with all rights, interests and liabilities therein shall be and are hereby transferred to and vested in the Governors of Duncan of Jordanstone College of Art without the necessity of any new instrument or conveyance.

(a) 1889 c. 63.

(3) From and after 1st August 1975 the property, heritable and moveable, specified and described in Part III of the Schedule to this scheme together with all rights, interests and liabilities therein shall be and is hereby transferred to and vested to the extent of one half share *pro indiviso* in the Governors of Dundee College of Technology and to the extent of one half share *pro indiviso* in the Governors of Duncan of Jordanstone College of Art without the necessity of any new instrument or conveyance.

Vested interests

4.—(1) From and after 1st August 1975 any person who is employed by the governing body under the provisions of section 11(9) of the Schemes of 1933 and 1939 may enter into an agreement with either the Governors of Dundee College of Technology or the Governors of Duncan of Jordanstone College of Art for his employment by them as from such date as the governing body may decide that they no longer require his services.

(2) In the event of an agreement not being concluded in respect of the future employment of any person under the provisions of the foregoing sub-paragraph the governing body shall subject to the approval by the Secretary of State of the amount thereof make due compensation for the vested interests of any such person.

(3) Any person who at 1st August 1975 is in receipt of a scholarship under any of the endowments to which this scheme relates shall in accordance with the provisions of paragraph 54 of the Dundee College of Technology Scheme 1975 and paragraph 52 of the Duncan of Jordanstone College of Art Scheme 1975 continue to enjoy the benefits thereof subject always to the conditions under which it was awarded.

Transfer of cash balances, etc.

5. The governing body shall as soon after 1st August 1975 as can conveniently be arranged transfer and make over to the Governors of Dundee College of Technology and the Governors of Duncan of Jordanstone College of Art all cash balances, books, deeds and papers relating wholly or mainly to the properties and endowments transferred separately to the said Governors under the provisions of paragraph 3 of this scheme.

Discharge of intromissions

6. The Governors of Dundee College of Technology and the Governors of Duncan of Jordanstone College of Art shall each after satisfactory examination and audit of the accounts of the properties and endowments transferred separately to them under the provisions of paragraph 3 of this scheme grant to the governing body a discharge of their intromissions with the said properties and endowments and shall each immediately thereafter intimate the said discharges to the Registrar of Educational Endowments.

Dissolution of the governing body

7. The governing body shall be dissolved and shall cease to exist as from 30th September 1975 or as from the date of the last discharge to be granted to it under paragraph 6 of this scheme whichever date is the later.

Revocation

8. At the date of the last discharge to be granted to the governing body under paragraph 6 of this scheme the Schemes of 1933 and 1939 shall be revoked.

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

J. F. McClellan,
Assistant Secretary.

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

21st April 1975.

SCHEDULE

Preamble, Paragraph 3

Particulars of the Properties and Endowments to which this Scheme relates

Serial No. (1)	*Name of Properties and Endowments* (2)	*Designation of Founders* (3)	*Governing Instrument* (4)
		PART I	
1.	Dundee Institute of Art and Technology in so far as it relates to— (1) The properties, heritable and moveable, of Dundee Technical College as hereinafter specified and described— (*a*) Dundee Technical College, 40 Bell Street, Dundee; (*b*) The Old Repertory Theatre, Nicoll Street, Dundee; (*c*) No. 158 Marketgait, Dundee, and (*d*) Boathouse, Grassy Beach, Stannergate, Dundee. (2) The endowments of Dundee Technical College as hereinafter specified and described— (*a*) Gordon Trust Fund; (*b*) John Keddie Memorial Prize; (*c*) Kirby Memorial Medal in Engineering; (*d*) Kirby Engineering Prizes; (*e*) Lumsden Prizes; (*f*) Murdoch McLeod Prizes, and (*g*) Scottish Association for the Promotion of Technical and Secondary Education Prizes.	—	Dundee Institute of Art and Technology Scheme 1933 approved by His late Majesty King George V in Council on 22nd March 1934 as amended by the Dundee Institute of Art and Technology (Amendment) (No. 1) Scheme 1939 approved by His late Majesty King George VI in Council on 20th December 1939.
2.	John Carnegie Fund	Messrs. John Carnegie and Son, Builders and Contractors, Dundee.	Minute of Meeting of Dundee Technical College Committee of the governing body held on 2nd March 1954.
3.	Mrs. Annie R. Greig's Bequest	Mrs. Annie R. Gray or Greig	Trust Disposition and Settlement dated 9th May 1960 and registered in the Books of Council and Session on 3rd December 1960.

Serial No. (1)	*Name of Properties and Endowments* (2)	*Designation of Founders* (3)	*Governing Instrument* (4)
4.	James Sime Greig Fund	Mrs. Annie R. Gray or Greig	Deed of Trust dated 27th March 1950.
5.	Alexander D. G. Kydd Prizes Fund	The Executors of the late Mr. A. D. G. Kydd	Minute of Meeting of the College of Technology Committee of the governing body held on 6th March 1973.
6.	Mars Fund	—	Mars Training Ship Fund Scheme 1933.
7.	Mitchell Prize Fund (insofar as it relates to Dundee Technical College)	Henry G. Mitchell	Will dated 26th April 1960 and registered in the Forfar Sheriff Court Books on 4th May 1962.
8.	T. R. Murray Prize Fund	T. R. Murray	Will dated 24th December 1958 and registered in Dundee Sheriff Court Books on 2nd June 1972.
9.	Robert Royds' Prize Fund	Dr. J. E. Royds and Mrs. M. B. Mather	Letter dated 22nd July 1967 setting forth trust purposes.
10.	Scott Fund	Hubert G. Scott	Letter dated 28th April 1960 setting forth trust purposes.
11.	Young Prize Fund	Frank G. Young	Will dated 28th February 1938 and registered in the Books of Council and Session on 13th February 1959.
		PART II	
12.	Dundee Institute of Art and Technology insofar as it relates to— The properties, heritable and moveable, of Duncan of Jordanstone College of Art as hereinafter specified and described— (1)(*a*) Duncan of Jordanstone College of Art, Perth Road, Dundee; (*b*) No. 17 Springfield, Dundee; (*c*) No. 18 Springfield, Dundee; (*d*) No. 21 Springfield, Dundee;	—	Dundee Institute of Art and Technology Scheme 1933 approved by His late Majesty King George V in Council on 22nd March 1934 as amended by the Dundee Institute of Art and Technology (Amendment) (No. 1) Scheme 1939 approved by His late Majesty King George VI in Council on 20th December 1939.

	(*e*) No. 22 Springfield, Dundee, and (*f*) No. 23 Springfield, Dundee. (2) The endowment of Duncan of Jordanstone College of Art as hereinafter specified and described— (*a*) Duncan of Jordanstone Bequest.		
13.	Art Lending Museum Fund	—	Minute of Meeting of the Art College Committee of the governing body held on 8th May 1973.
14.	David W. Crighton Prize Fund	David W. Crighton	Trust Disposition and Settlement dated 14th April 1959 and registered in the Books of Council and Session on 19th September 1963.
15.	Miss Patricia Holmes Memorial Fund	Staff Association of Duncan of Jordanstone College of Art.	Excerpt from Minute of Meeting of the Art College Committee of the governing body held on 13th June 1967.
16.	John T. Maclaren Travelling Scholarship Fund.	John T. Maclaren	Will dated 25th July 1939 and registered in the Books of Council and Session on 17th April 1948.
17.	Gordon Mathewson Fund	G. Mathewson and Mrs. Hazel Mathewson	Letters dated 2nd and 19th August 1971 setting forth trust purposes.
18.	Mitchell Prize Fund (insofar as it relates to the Duncan of Jordanstone College of Art).	Henry G. Mitchell	Will dated 26th April 1960 and registered in the Forfar Sheriff Court Books on 4th May 1962.
19.	Jozef Sekalski Printmaking Award Fund	Subscribers to the Fund	Letters dated 10th and 29th January 1973 setting forth trust purposes.
		PART III	
20.	Dundee Institute of Art and Technology insofar as it relates to the property, heritable and moveable, as hereinafter specified and described— Halls of Residence, Hillside, Dundee.	—	Dundee Institute of Art and Technology Scheme 1933 approved by His late Majesty King George V in Council on 22nd March 1934 as amended by the Dundee Institute of Art and Technology (Amendment) (No. 1) Scheme 1939 approved by His late Majesty King George VI in Council on 20th December 1939.

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