STATUTORY INSTRUMENTS

1976 No. 1366 (S. 114)

EDUCATION, SCOTLAND

John Watson's Trust Scheme 1976

Made - - - -	18*th August* 1976
Coming into Operation	18*th August* 1976

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation
2. Interpretation
3. Continuation of governing body
4. Vesting of endowment
5. Additional donations
6. Disposal of heritable property
7. Powers of investment
8. Business arrangements
9. Committee of management
10. Rules and standing orders
11. Administrative staff
12. Application of income
13. Retiring allowances
14. Continuation of benefits
15. Withdrawal of awards
16. Copies of scheme
17. Revocation

SCHEDULE—Particulars of endowment to which this scheme relates.

In exercise of the powers conferred on him by section 118(1) and 129 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 to amend the John Watson's Trust Scheme 1962;

(*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 John Watson's Trust Scheme 1976.

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

Interpretation

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

"committee" means the committee constituted under paragraph 9 of this scheme;

"governing body" means the Governors of John Watson's Trust; and

"Scheme of 1962" means the John Watson's Trust Scheme 1962 approved by Her Majesty Queen Elizabeth in Council on 17th January 1963.

(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.

Continuance of governing body

3. For the purpose of carrying this scheme into effect the Keepers and Commissioners of the Signet, who were incorporated as a governing body to administer John Watson's Trust by the Act of Parliament, 3 Geo 4. c. 23, and were continued as governing body under the Scheme of 1962 with the name "The Governors of John Watson's Trust" shall be and are hereby continued under the said name as a body corporate with perpetual succession and a common seal, and with all the rights, privileges and powers of a body corporate.

Vesting of endowment

4. From and after 18th August 1976 the endowment known as the "John Watson's Trust" which is described in the schedule to this scheme shall continue to be vested in the governing body and shall be held and administered by them exclusively in accordance with the provisions of this scheme.

Additional donations

5. The governing body may accept donations, legacies, annuities, subscriptions and other gifts (hereinafter referred to as "additional donations") for the purposes of this scheme, or for purposes connected therewith and such additional donations shall be applied in accordance with the directions of the respective testators or donors. In the absence of any specific directions relating thereto, the governing body shall apply any additional donation to the capital or income of the Trust or to both capital and income in such proportions as they think fit.

Disposal of heritable property

6. The governing body may sell, lease, grant options over, or otherwise dispose of for value all or any property, heritable or moveable held by them under this scheme.

Powers of investment

7.—(1) It shall be in the power of the governing body to invest capital and to change the investments in which capital is invested, in such manner as they think fit. Before exercising these powers they shall obtain and consider proper advice.

(a) 1889 c. 63.

(2) It shall be in the power of the governing body to retain any investments in which capital is invested. The governing body shall review their investments at regular intervals and may hold such additional reviews as they consider desirable. For the purpose of such reviews they shall obtain and consider proper advice.

(3) For the purpose of this paragraph "proper advice" means the advice of a person other than an officer of the governing body who is reasonably believed by the governing body to be qualified, by his ability in, and practical experience of financial matters, to advise the governing body on the exercise of their powers under this paragraph.

Business arrangements

8. The business of the Keepers and Commissioners of the Signet as Governors of John Watson's Trust shall be conducted either at ordinary meetings of the said Keepers and Commissioners or at special meetings summoned for the purpose which shall be convened and conducted according to the ordinary rules and practice of the said Keepers and Commissioners.

Committee of management

9.—(1) The governing body shall appoint a committee of their own number and may delegate to the committee any of their functions under this scheme.

(2) The committee shall have power to co-opt to membership of the committee persons of experience which the committee consider will be of value to them in exercise of their functions under this scheme. The co-opted members shall not exceed more than one third of the total membership of the committee.

Rules and standing orders

10. It shall be in the power of the governing body to make such rules and standing orders as they think fit for the exercise of their functions and those of the committee under this scheme, provided that the said rules and standing orders shall not be inconsistent with the provisions of this scheme.

Administrative staff

11. The governing body may appoint a clerk or factor and such other officers as they consider necessary at such reasonable salaries and under such conditions of service as they may determine. Any such officers shall hold office at the pleasure of the governing body. Any officer of the governing body whose duties include intromissions with funds belonging to the governing body shall find such caution as the governing body may require for his intromissions. A governor acting as clerk or other officer shall be entitled to suitable remuneration.

Application of income

12.—(1) The governing body after paying all the necessary expenses of management and other outgoings affecting the Trust shall apply the annual income in the following manner:—

(*a*) they shall meet the cost of boarding and educating the John Watson's Foundationers awarded foundations under section 20 of the Scheme of 1962 with the proviso that as near as practicable a foundation shall continue to be held subject to the conditions under which the foundation was awarded until the expiry of the foundationer's period of tenure of the foundation;

(*b*) they shall continue to meet the cost of the Weir Bursaries awarded under section 21 of the Scheme of 1962;

(*c*) they shall expend £10 each year in awarding Gordon Prizes to pupils of the former John Watson's School attending Merchant Company Schools. The form of the prizes and the conditions of award shall be at the discretion of the governing body;

(*d*) they shall meet any expenses incurred under paragraphs 13 and 14 of the scheme; and

(*e*) they shall repay to the capital of the Trust the overpayment from the capital outstanding at 18th August 1976 out of the income of the Trust by a sum of not less than the amount required to repay such overpayment by equal annual instalments over a period of thirty years.

(2) If at the end of any financial year there is an unexpended balance of income it shall be in the power of the governing body 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.

Retiring pensions and allowances

13. The governing body may grant, in the form of a periodical payment or a lump sum or both, a retiring pension or an allowance to, or supplement the retiring pension or allowance of, any person who is or has been employed by them or enter into an agreement to grant such a retiring pension or allowance on such terms as they deem expedient, provided that before granting or supplementing such retiring pension or allowance the governing body shall obtain the consent of the Secretary of State.

Continuation of benefits

14. Any person who at 18th August 1976 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.

Withdrawal of awards

15. The governing body shall require the holder of any foundation or bursary to satisfy them that he is making satisfactory progress in his course of study. If in the opinion of the governing body any such holder shall be guilty of serious misconduct or shall fail to make reasonable progress, the governing body may withdraw the foundation or bursary or suspend the holder from the benefits thereof, and their decision in any such case shall be final.

Copies of scheme

16. The governing body 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

17. The Scheme of 1962 shall cease to have effect on 18th August 1976.

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

J. F. McClellan,
Assistant Secretary.

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

18th August 1976.

SCHEDULE

PARTICULARS OF ENDOWMENT TO WHICH THIS SCHEME RELATES

Name of Endowment	*Founder*	*Governing Instrument*
John Watson's Trust	John Watson, Writer to the Signet, Gosford Close, Edinburgh, and subsequent contributors to the funds of the Trust.	John Watson's Trust Scheme 1962, approved by Her Majesty Queen Elizabeth in Council on 17th January 1963.

Printed in England by McCorquodale Printers Ltd., and published by Her Majesty's Stationery Office
84/P18281/0 N 67 K.5 8/76

20p net

ISBN 0 11 061366 X