STATUTORY INSTRUMENTS

1984 No. 1480 (S. 120)

EDUCATION, SCOTLAND

The John Watson's Trust Scheme 1984

Made - - - - 13*th September* 1984

Coming into Operation 13*th September* 1984

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SCHEDULE—Particulars of the endowments 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 endowments specified and described in the schedule to this scheme,

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

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

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

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

(f) an appeal having been presented to the Court of Session under section 112(8) of the said Act,

(g) undertaking to amend the framed scheme in accordance with the interlocutor of the Court of Session,

(h) framing the scheme in accordance with the interlocutor of the Court of Session,

(i) carrying out the procedure specified in section 112(4) of the said Act,

(j) 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:—

PART I

CITATION AND INTERPRETATION

Citation

1. This scheme may be cited as The John Watson's Trust Scheme 1984.

Interpretation

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

"committee" means the committee constituted under paragraph 4 of this scheme;

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

"grant-aided school" has the meaning ascribed thereto by section 135(1) of the Education (Scotland) Act 1980;

"independent school" has the meaning ascribed thereto by section 135(1) of the Education (Scotland) Act 1980;

"Scheme of 1962" means the John Watson's Trust Scheme 1962 approved by Her Majesty in Council on 17th January 1963 (b);

(a) 1980 c.44.

(b) S.I. 1963/89.

Delegation of functions

5.—(1) The governing body shall delegate to the committee, established under paragraph 4, all of their functions under this scheme except the exercise of their functions relating to the making of rules and standing orders under paragraph 7.

(2) Subject to the foregoing provision of this paragraph, the governing body shall exercise a general supervision of, and control over, the operation of this scheme.

(3) For the purpose of this paragraph "delegate" in relation to the delegation of the functions of the governing body under this scheme or under rules made thereunder to the committee means to remit to the committee to exercise these functions on behalf of the governing body in accordance with any instructions contained in the rules or resolution by which the remit is made.

Business arrangements

6.—(1) The business of the Keepers and Commissioners of Her Majesty's 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.

(2) The governing body shall make standing orders under the next following paragraph as to the periods of office of trustees, the quorum of the committee and the mode of conducting business at committee meetings.

Rules and standing orders

7. The governing body shall 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

8. The governing body may appoint a clerk and in addition such other officers as they consider necessary at such reasonable remuneration and under such conditions of service as they may determine. Any officer of the governing body or of the committee whose duties include intromissions with funds vested in 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. A trustee acting as clerk or other officer shall not be entitled to any remuneration.

Retiring allowances

9. It shall be in the power of the governing body to pay a pension or retiring allowance or to supplement the pension or retiring allowance of any person who has been employed by them, provided that before paying or supplementing such pension or retiring allowance the governing body shall obtain the consent of the Secretary of State.

"Scheme of 1976" means the John Watson's Trust Scheme 1976(a);

"special educational needs" has the meaning ascribed thereto by section 1(5)*(d)* of the Education (Scotland) Act 1980;

"trust" means John Watson's Trust;

"trustee" means a member of the committee constituted under paragraph 4 of this scheme.

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

PART II

ADMINISTRATIVE ARRANGEMENTS

Continuance of governing body

3. For the purpose of carrying this scheme into effect the Keepers and Commissioners of Her Majesty's 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 1976 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.

Committee of trustees

4.—(1) The governing body shall appoint a committee of trustees which shall be composed as follows:—

(a) six persons to be nominated by the Society of Writers to Her Majesty's Signet;

(b) two persons to be nominated by Lothian Regional Council at least one of whom shall have practical experience in the field of the provision for special educational needs;

(c) one person to be nominated by the Merchant Company Education Board;

(d) one person to be nominated by the Lothian Association of Youth Clubs.

(2) Members of the committee of management appointed in terms of paragraph 9 of the Scheme of 1976 in office on the coming into operation of this scheme shall, subject to the provisions of any regulations made under paragraph 10 of the Scheme of 1976, remain in office and shall continue to exercise such functions as may have been delegated to them until the first meeting of the committee, established under sub-paragraph (1) of this paragraph, held under this scheme.

(3) The clerk of the governing body shall ensure that as far as practicable all trustees are appointed prior to the first meeting.

(4) Within three months of the coming into operation of this scheme the clerk of the governing body shall convene the first meeting of the committee of trustees by sending a notice either to each member or, if the names of such members have not been intimated to him, to the bodies entitled to nominate trustees.

(a) S.I. 1976/1366.

General conditions for awards

10. In making an award under paragraph 19, 20 or 21 the governing body shall have regard to the diligence, attainment and promise of the applicant. In determining the amount of assistance to be granted, the governing body shall take account of the financial circumstances, including any other bursaries or grants paid, of the parents or guardians of the child, as the case may be. The determination shall be for the period of one year and shall be reviewed each year.

Withdrawal of awards

11.—(1) The governing body shall require the holder of any bursary, foundation, scholarship or grant made under this scheme 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 bursary, foundation, scholarship or grant or suspend the holder from the benefits thereof, and their decision in any such case shall be final.

(2) The governing body may require any person, organisation or body to whom a grant is awarded under paragraph 22 to submit a report on the use of that grant, and shall have power to require repayment of that grant, either in whole or in part, if they are not satisfied that the money has been used for the purpose for which it was awarded.

Limitation of value of awards

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

(2) For the purposes of this paragraph "other allowance" includes benefit received in the form of remission of school fees.

PART III

FINANCIAL ARRANGEMENTS

Vesting and augmentation of trust

13. From and after the coming into operation of this scheme, the endowments named opposite to serial numbers 2 and 3 of the schedule, being endowments already vested in the governing body, shall be amalgamated with the endowment named opposite to serial number 1 of the schedule. The trust so augmented shall be held, administered and applied by the governing body exclusively in accordance with the provisions of this scheme.

Powers of investment

14.—(1) In regard to the investment of trust funds and of additional donations received by them under paragraph 15, the governing body shall have all powers competent to them under the common law of Scotland as a body corporate.

(2) It shall be in the power of the governing body to appoint and remunerate professional fund managers provided that a trustee acting as a professional fund manager shall not be entitled to any remuneration. The

governing body may delegate to such managers power to buy and sell investments and to deposit or otherwise deal with uninvested cash, all within the general investment policy laid down by the governing body from time to time and always provided that the fund managers shall be required to report regularly to the governing body on their transactions.

Additional donations

15. The governing body may accept donations, legacies, annuities, subscriptions, transfers of funds 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, donors or transferors. 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.

PART IV

PURPOSES OF TRUST

Application of income

16.—(1) The governing body after paying the necessary expenses of management and the burdens and taxes affecting the trust, and after paying any benefits to persons entitled under paragraph 23, shall apply in each financial year as nearly as possible the whole of the free income of the trust, including any balance carried forward from the previous year under sub-paragraph (2) of this paragraph (and the unexpended balance of free income as at the coming into operation of this scheme arising from intromissions under the Scheme of 1976) in the following manner:—

(a) they shall award the Weir Bursaries described in paragraph 17;

(b) they shall award the Gordon Prizes described in paragraph 18;

(c) they shall meet any costs incurred under paragraph 19;

(d) they shall apply such sum as represents up to, but not exceeding, one-third of the free income available after fulfilling the requirements of the foregoing sub-heads *(a), (b),* and meeting any expenditure incurred under sub-head *(c)* of this paragraph, in executing the purposes of paragraph 20;

(e) they shall apply the whole of the residue of the income available after fulfilling the requirements of the foregoing sub-heads *(a), (b),* and *(d)* and meeting any expenditure incurred under sub-head *(c)* of this paragraph, in executing the purposes of paragraph 21.

(2) If notwithstanding the foregoing provisions of this paragraph there is, at the end of any financial year 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.

Weir Bursaries

17.—(1) The governing body shall offer the three Weir Bursaries, established under section 21 of the Scheme of 1962 and continued by the Scheme of 1976, except that the value of each bursary shall be increased to

£75 a year (or such increased sum as the governing body may from time to time approve having regard to the rate of inflation then current), for competition among pupils about to leave schools under the management of the Merchant Company Education Board who are about to enter a university or other institution of further or higher education. Subject to the provisions of sub-paragraph (1) of paragraph 11, each bursary shall be tenable for such number of years as is necessary to enable the holder to complete his course of study.

(2) The first bursary to be awarded under this paragraph shall be awarded at the end of the first school session beginning after the coming into operation of this scheme and the second and third bursaries one year and two years thereafter. Subject to the foregoing provisions the governing body shall as far as possible arrange for one Weir Bursary to be awarded each year.

Gordon Prizes

18. The governing body shall expend £30 each year in awarding Gordon Prizes to pupils in attendance at schools under the management of the Merchant Company Education Board. The number and form of the prizes and the conditions of award shall be at the discretion of the governing body.

John Watson's Foundations

19.—(1) It shall be in the power of the governing body to make grants to assist the mothers or, if the child is an orphan, the guardians of younger brothers and sisters of past and existing John Watson's Foundationers to educate these children as day pupils at grant-aided or independent schools. Subject to the provisions of sub-paragraph (1) of paragraph 11, each award shall be tenable for such number of years as is necessary to enable the child to complete his period of school education:

Provided that such a grant shall be awarded only when the family circumstances of the applicant have not materially improved since the older brother or sister was awarded the said Foundation.

(2) Grants made under this paragraph shall be known as "John Watson's Foundations".

John Watson's Scholarships

20.—(1) Subject to the provisions of sub-paragraph (1)*(d)* of paragraph 16, the governing body shall make grants to assist towards the cost of providing boarding education for children ordinarily resident in Scotland who are orphans or who are children of one-parent families or who are, in the opinion of the Governors, subject to some other special family difficulty and whose circumstances are such that the governing body consider it would be in their best interests to have such education. Subject to the provisions of sub-paragraph (1) of paragraph 11, each award shall be tenable for such number of years as is necessary to enable the child to complete his period of school education.

(2) A child awarded a grant under this paragraph shall attend the school which, in the opinion of the governing body, is best suited to meet the needs of that particular child.

(3) Grants awarded under this paragraph shall be known as "John Watson's Scholarships".

Grants for the handicapped

21.—(1) Subject to the provisions of sub-paragraph (1)*(e)* of paragraph 16, the governing body shall make grants for any or all of the undernoted purposes for the benefit of children and young persons up to age 21 who are physically or mentally handicapped or who are socially disadvantaged and they shall give preference to the interests of beneficiaries who are ordinarily resident in or connected with Lothian Region, that is to say:—

(a) to assist in the provision of private tutors;

(b) to assist those who, in preparation for entrance to a trade or profession are being trained by apprenticeship or who have enrolled in a course of instruction at a university or other institution of further or higher education approved by the governing body, whether in Great Britain or elsewhere, for the purpose of enabling such persons to obtain books, instruments, tools, kit or personal equipment and to meet any other expenditure, including expenses of travel and maintenance necessarily incurred by them;

(c) to assist those who have completed their period of compulsory school education and who wish to continue their education by following courses of secondary, further or higher education;

(d) to assist in the provision of special equipment;

(e) to assist travel either in Great Britain or abroad for any purpose of an educational nature; provided that applicants shall submit to the governing body 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) to assist participation in a course provided by the Open University for which they have registered or are about to register;

(g) to assist participation in such other activities of an educational, social, cultural or recreational nature which, in the opinion of the governing body, will contribute to the education and advancement in life of the said children and young persons;

(h) to assist any aspect of the work of established charitable organisations and *ad hoc* groups which, in the opinion of the governing body, will contribute to the education and advancement in life of the said children and young persons; and

(i) to assist such bodies and persons as may be approved by them to undertake educational experiments and research which will, in the opinion of the governing body, be for the educational benefit of the said children and young persons.

(2) To assist in determining to whom grants shall be awarded under this paragraph, it shall be in the power of the governing body to consult specialist advice and to meet any costs incurred from the income of the trust.

(3) For the purpose of this paragraph "specialist advice" means the advice of a person, other than a member of the governing body, who may reasonably be expected to be qualified by his knowledge of medicine, or of educational or clinical psychology or by experience of the educational, social, cultural and recreative needs of the categories of children and young persons described in sub-paragraph (1) of this paragraph.

(4) Grants awarded under this paragraph shall be awarded for a period of not more than one year in the first instance but it shall be in the power of the governing body to extend the period of the grant for such further period, subject to the provisions of paragraph 11, as they shall think fit.

Limitation of expenditure under Part IV

22. Nothing in this Part shall be interpreted as authorising the governing body to incur expenditure which would in the absence of the trust be incurred from public funds.

PART V

MISCELLANEOUS AND GENERAL PROVISIONS

Vested interests

23.—(1) It shall be in the power of the governing body to permit any person who at the coming into operation of this scheme held any office, employment, pension, retiring allowance, bursary or emolument under or arising out of any of the endowments to which this scheme relates to continue to hold the same subject to the conditions under which it was held before the said date, provided that this course does not involve any departure from the other provisions of this scheme.

(2) In the event of the governing body not exercising the power conferred upon them under the preceding sub-paragraph, they shall make due compensation for the vested interests of any person who at the coming into operation of this scheme held any office, employment, pension, retiring allowance, bursary or emolument under or arising out of any of the endowments to which this scheme relates.

Publicising of trust

24. The governing body shall take appropriate steps, including the insertion each year of an advertisement in a newspaper circulating in Lothian Region and also in one or more additional newspapers circulating in Scotland to make information about the purposes of the trust available to the public.

Copies of scheme

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

Revocation

26. The John Watson's Trust Scheme 1976 shall cease to have effect on the coming into operation of this scheme.

Edward W. Frizzell,
Assistant Secretary.

Scottish Education Department,
New St Andrew's House,
Edinburgh.
13th September 1984.

SCHEDULE

Paragraph 13

PARTICULARS OF THE ENDOWMENTS TO WHICH THIS SCHEME RELATES

Serial No. (1)	Name of Endowment (2)	Founder (3)	Governing Instrument (4)
1	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 1976
2	Miss A. W. Caw's Fund	Miss Agnes W. Caw, 19 Falcon Gardens, Edinburgh	Trust Disposition and Settlement dated 30th September 1968 and registered in the Books of Edinburgh Sheriff Court on 12th September 1974
3	Miss A. F. T. Leslie's Fund	Miss A. F. T. Leslie, 5 Lynedoch Place, Edinburgh	Trust Disposition and Settlement dated 7th November 1966 and registered in the Books of Council and Session on 2nd July 1974

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