CHAPTER cviii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Robert Gordon's Colleges and the Aberdeen Endowments Trust. A.D. 1923.

[2nd August 1923.]

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Robert Gordon's Colleges and Aberdeen Endowments Trust Order Confirmation Act 1923. Short title.

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SCHEDULE.

ROBERT GORDON'S COLLEGES AND ABERDEEN ENDOWMENTS TRUST.

Provisional Order to amend the Robert Gordon's Technical College and Aberdeen Endowments Trust Order 1909 *to confer further powers on the Governors of Robert Gordon's Colleges and the Trustees of the Aberdeen Endowments Trust and for other purposes.*

WHEREAS by the Robert Gordon's Technical College and Aberdeen Endowments Trust Order 1909 (hereinafter called "the Order of 1909") the Governors of Robert Gordon's Technical College and the Aberdeen Endowments Trust were incorporated for the purposes mentioned in the said Order:

And whereas the objects (amongst others) for which the Governors were incorporated were to establish and carry on a technical college in the city of Aberdeen and to carry on a school (comprising primary intermediate and secondary departments) also in the said city:

And whereas the provision made in accordance with the Order of 1909 for the maintenance of the technical college hereinbefore referred to has proved insufficient and it is expedient that further provision as hereinafter in this Order contained should be made for the carrying on of the technical college:

And whereas it is expedient that further provision as hereinafter in this Order contained should also be made for the carrying on of the said school:

And whereas the education authority of the burgh of Aberdeen (hereinafter called "the education authority") are empowered by subsection (1) of section 9 of the Education (Scotland) Act 1918 to make contributions towards the maintenance of institutions and schools similar to the technical college and the said school and to make a reasonable representation of the authority on the governing body of any such institution or school a condition of any such contribution:

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And whereas the education authority have agreed to make contributions for the said purposes upon the terms and subject to the conditions contained in the Agreement set forth in the schedule to this Order and it is expedient that the said Agreement should be confirmed:

And whereas it is expedient to amend the provisions of the Order of 1909 in reference to the respective constitutions of the Governors and Trustees therein referred to and to make further provision as hereinafter in this Order contained in reference to the said matters:

And whereas it is expedient that the objects and powers of the Governors and the Trustees respectively should be extended and that provision should be made for the future management and administration of their affairs all as hereinafter in this Order provided:

And whereas it is expedient that the provisions hereinafter in this Order contained as to the finances of the Governors and the Trustees respectively should be enacted and that the Governors and the Trustees respectively should be authorised to apply their funds and to borrow money for the purposes of the Order of 1909 and this Order as hereinafter in this Order provided:

And whereas it is expedient that the other powers in this Order contained should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short title and citations.

1. This Order may be cited as Robert Gordon's Colleges and Aberdeen Endowments Trust Order 1923.

This Order and Robert Gordon's Technical College and Aberdeen Endowments Trust Order 1909 may be cited together as Robert Gordon's Colleges and Aberdeen Endowments Trust Orders 1909 and 1923.

Interpretation.

2. In this Order the several words and expressions to which meanings are assigned by the Robert Gordon's Technical College and Aberdeen Endowments Trust

A.D. 1923. Order 1909 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Further interpretation.

3.—(1) The following words and expressions in this Order have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

"The education authority" means the education authority of the burgh of Aberdeen;

"The Order of 1909" means Robert Gordon's Technical College and Aberdeen Endowments Trust Order 1909;

"The existing Governors" means the Governcrs of Robert Gordon's Technical College incorporated by the Order of 1909;

"The existing Trustees" means the members of the Aberdeen Endowments Trust incorporated by the Order of 1909;

"The Governors" means the Governors incorporated by the Order of 1909 as amended by this Order;

"The Endowments Trust" means the Aberdeen Endowments Trust incorporated by the Order of 1909 as amended by this Order and "the Trustees" means the members of the said trust;

"The appointed day" means the first day of January one thousand nine hundred and twenty-four;

"The colleges" means Robert Gordon's Technical College and the school (which school comprising primary intermediate and secondary departments is now known as Robert Gordon's College) carried on by the existing Governors or the Governors as the case may be.

(2) On and from the appointed day the expressions "the Endowments Trust" and "the Trustees" in the Order of 1909 shall have the same meanings as in this Order.

Commencement of Order.

4. This Order shall except where otherwise provided come into operation on the date of the passing of the Act

confirming this Order which date is hereinafter referred to as " the commencement of this Order."

Repeal of certain provisions of Order of 1909.

5.—(1) The following provisions of the Order of 1909 shall be and the same are hereby repealed (that is to say) :—

Section 10 (Appointment of Governors of Technical College);

Section 11 (Appointment of Governors by town council &c.);

Section 33 (Appointment of members of Endowments Trust);

Section 34 (Appointment of members of Endowments Trust by town council &c.);

Section 47 (Casual profits);

Section 52 (Audit of accounts).

(2) The following provisions of the Order of 1909 shall as on and from the appointed day be and the same are hereby repealed (that is to say) :—

Section 39 (Chairman of Governors and Trustees);

Section 65 (Provision with respect to primary intermediate and secondary schools at existing college).

Change of name of Governors.

6. On and from the appointed day section 9 (Incorporation of Governors of Robert Gordon's Technical College) of the Order of 1909 shall be read and construed as if the words " the Governors of Robert Gordon's Technical College " were omitted therefrom and the words " the Governors of Robert Gordon's Colleges " were inserted therein in lieu thereof and the words " the Governors " in the Order of 1909 shall mean the Governors incorporated by the Order of 1909 as amended by this Order.

As to existing Governors and existing Trustees.

7. The existing Governors and the existing Trustees shall respectively continue in office until the appointed day on which day they shall cease to hold office.

Constitution of Governors.

8.—(1) On and from the appointed day the Governors shall consist of the following thirty-three persons (that is to say) :—

The lord provost of the city;

Five persons to be appointed by the town council;

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Nine persons to be appointed by the education authority;

Three persons to be appointed by the senatus;

Two persons to be appointed by each of the following bodies:—

(A) The county council;

(B) The presbytery;

One person to be appointed by each of the following bodies:—

(A) The harbour commissioners;

(B) The incorporated trades;

Three persons to be appointed by the Endowments Trust; and

Six persons to be appointed by the Governors.

(2) The persons to be appointed as Governors by the town council the presbytery and the Endowments Trust shall be appointed from amongst the members of the town council the presbytery and the Endowments Trust respectively.

(3) The persons to be appointed as Governors by the education authority the senatus the county council and the incorporated trades may be members of the bodies respectively appointing them or otherwise as such bodies may from time to time respectively determine.

(4) The person to be appointed as a Governor by the harbour commissioners shall be one of the elected harbour commissioners acting under the Aberdeen Harbour Acts 1895 to 1920.

(5) Any person appointed as a Governor by the town council the presbytery the Endowments Trust or the harbour commissioners who ceases to be a member of the town council or of the presbytery or of the Endowments Trust or one of the elected harbour commissioners respectively shall be deemed to be disqualified from continuing in office as a Governor.

(6) Any person appointed as a Governor by the education authority the senatus the county council or the incorporated trades who is a member of the body appointing him and who ceases to be a member of that body shall be deemed to be disqualified from continuing in office as a Governor unless the body appointing him resolves that

he shall continue a Governor till the expiry of his term of office.

Period of office of Governors.

9.—(1) The period of office of the persons appointed to act as Governors shall be three years reckoned from the first day of January immediately following their appointment Provided that in the case of the persons first appointed to be Governors under this Order the period of office shall be three four or five years as hereinafter in this Order provided and shall be reckoned from the first day of January immediately following their appointment and provided also that in the case of all persons appointed to be Governors by the Governors and by the Trustees respectively the period of office shall be reckoned from the first day of January immediately preceding their appointment.

(2) Any Governor ceasing to hold office shall if qualified be eligible for reappointment.

Appointment of Governors.

10.—(1) At a meeting of the town council to be held in the month of November or December one thousand nine hundred and twenty-three the town council shall appoint five persons to be Governors two of whom shall be appointed to hold office for three years two to hold office for four years and one to hold office for five years.

(2) At a meeting of the town council to be held in the month of November or December one thousand nine hundred and twenty-six and in the month of November or December in every succeeding year the town council shall appoint one or two persons (as the case may be) to take the place of the Governor or Governors appointed by them whose period of office is about to expire.

(3) At a meeting of the education authority to be held in the month of November or December one thousand nine hundred and twenty-three the education authority shall appoint nine persons to be Governors three of whom shall be appointed to hold office for three years three to hold office for four years and three to hold office for five years.

(4) At a meeting of the education authority to be held in the month of November or December one thousand nine hundred and twenty-six and in the month of November or December in every succeeding year the education

A.D. 1923. authority shall appoint three persons to take the place of the Governors appointed by them whose period of office is about to expire.

(5) At a meeting of the senatus to be held in the month of November or December one thousand nine hundred and twenty-three the senatus shall appoint three persons to be Governors one of whom shall be appointed to hold office for three years one to hold office for four years and one to hold office for five years.

(6) At a meeting of the senatus to be held in the month of October or November one thousand nine hundred and twenty-six and in the month of October or November in every succeeding year the senatus shall appoint one person to take the place of the Governor appointed by them whose period of office is about to expire.

(7) At meetings of the county council and of the presbytery respectively to be held in the month of November or December one thousand nine hundred and twenty-three each of those bodies shall appoint two persons to be Governors to hold office for three years and at meetings of those bodies respectively to be held in the month of November or December one thousand nine hundred and twenty-six and in the month of November or December in every third year thereafter those bodies respectively shall appoint two persons in place of the Governors appointed by them respectively whose period of office is about to expire.

(8) At meetings of the harbour commissioners and of the incorporated trades respectively to be held in the month of November or December one thousand nine hundred and twenty-three each of those bodies shall appoint one person to be a Governor to hold office for three years and at meetings of those bodies respectively to be held in the month of November or December one thousand nine hundred and twenty-six and in the month of November or December in every third year thereafter those bodies respectively shall appoint one person in place of the Governors appointed by them respectively whose period of office is about to expire.

(9) At a meeting to be held in the month of January one thousand nine hundred and twenty-four the members of the Endowments Trust then in office shall appoint

three persons to be Governors one of whom shall be appointed to hold office for three years one to hold office for four years and one to hold office for five years.

(10) At a meeting to be held in the month of January one thousand nine hundred and twenty-seven and in the month of January in every succeeding year the members of the Endowments Trust then in office shall appoint one person to take the place of the Governor appointed by them who shall have ceased to hold office on the first day of January immediately preceding the date of the said meeting.

(11) At a meeting to be held in the month of January one thousand nine hundred and twenty-four the Governors at the time in office shall appoint six persons to be Governors two of whom shall be appointed to hold office for three years two to hold office for four years and two to hold office for five years.

(12) At a meeting to be held in the month of January one thousand nine hundred and twenty-seven and in the month of January in every succeeding year the Governors at the time in office shall appoint two persons to hold office in place of the Governors appointed by them who shall have ceased to hold office on the first day of January immediately preceding the date of the said meeting.

Constitution of Endowments Trust.

11.—(1) On and from the appointed day the Endowments Trust shall consist of the following twenty-one persons (that is to say):—

Six persons to be appointed by the town council;

Five persons to be appointed by the education authority;

Two persons to be appointed by the parish council;

One person to be appointed by each of the following bodies:—

(A) The senatus;

(B) The presbytery;

(C) The incorporated trades;

(D) The Society of Advocates in Aberdeen;

One of the ministers of the six city churches of Aberdeen to be appointed by those ministers;

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One minister (not being a minister of the Church of Scotland) officiating within the city to be appointed by the town council; and

Two persons to be appointed by the Governors.

(2) The persons to be so appointed (other than the two ministers) may be members of the bodies respectively appointing them or otherwise as such bodies may from time to time respectively determine.

(3) Any person appointed a Trustee by the education authority who is a member of that body and who ceases to be a member of that body shall be deemed to be disqualified from continuing in office as a Trustee unless the education authority resolves that he shall continue a Trustee till the expiry of his term of office.

Period of office of Trustees.

12.—(1) The period of office of the persons appointed to act as Trustees shall be three years reckoned from the first day of January immediately following their appointment Provided that in the case of the persons first appointed to be Trustees under this Order the period of office shall be three four or five years as hereinafter in this Order provided and shall be reckoned from the first day of January immediately following their appointment and provided also that in the case of all persons appointed to be Trustees by the Governors the period of office shall be reckoned from the first day of January immediately preceding their appointment.

(2) Any Trustee ceasing to hold office shall if qualified be eligible for reappointment.

Appointment of Trustees.

13.—(1) At a meeting of the town council to be held in the month of November or December one thousand nine hundred and twenty-three the town council shall appoint as Trustees:—

(A) Six persons two of whom shall be appointed to hold office for three years two to hold office for four years and two to hold office for five years;

(B) One minister (not being a minister of the Church of Scotland) officiating within the city to hold office for three years.

(2) At a meeting of the town council to be held in the month of November or December one thousand nine hundred and twenty-six and in the month of November

or December in every succeeding year the town council shall appoint two or three persons (as the case may be) in place of the Trustees appointed by them whose period of office is about to expire.

(3) At a meeting of the education authority to be held in the month of November or December one thousand nine hundred and twenty-three the education authority shall appoint five persons to be Trustees two of whom shall be appointed to hold office for three years two to hold office for four years and one to hold office for five years.

(4) At a meeting of the education authority to be held in the month of November or December one thousand nine hundred and twenty-six and in the month of November or December in every succeeding year the education authority shall appoint one or two persons (as the case may be) in place of the Trustee or Trustees appointed by them whose period of office is about to expire.

(5) At a meeting of the parish council to be held in the month of November or December one thousand nine hundred and twenty-three the parish council shall appoint two persons to be Trustees and at a meeting of the parish council to be held in the month of November or December one thousand nine hundred and twenty-six and in the month of November or December in every third year thereafter the parish council shall appoint two persons in place of the Trustees appointed by them whose period of office is about to expire.

(6) At meetings of the senatus of the presbytery of the incorporated trades of the Society of Advocates in Aberdeen and of the ministers of the six city churches of Aberdeen respectively to be held in the month of November or December one thousand nine hundred and twenty-three each of those bodies shall appoint one person to be a Trustee and at meetings of those bodies respectively to be held in the month of November or December one thousand nine hundred and twenty-six and in the month of November or December in every third year thereafter those bodies respectively shall appoint one person in place of the Trustee appointed by them respectively whose period of office is about to expire.

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(7) At a meeting to be held in the month of January one thousand nine hundred and twenty-four the Governors at the time in office shall appoint two persons to be Trustees and at a meeting to be held in the month of January one thousand nine hundred and twenty-seven and in the month of January in every third year thereafter the Governors at the time in office shall appoint two persons in place of the Trustees appointed by them who shall have ceased to hold office on the first day of January immediately preceding the date of the said meeting.

Legacies &c. *not to* lapse.

14. No legacy or bequest in any will or testamentary disposition whether bearing date before or after the commencement of this Order shall lapse or fail by reason of the confirmation of this Order but any such legacy or bequest which but for this Order would have accrued or enured for the benefit of the existing Governors and the existing Trustees respectively shall accrue and enure for the benefit of the Governors and the Trustees respectively.

As to existing debts.

15. The existing Trustees both as Trustees and individuals are hereby respectively exonerated and discharged of all their actings and intromissions in respect of their having undertaken liability for the sum of fifteen thousand nine hundred and two pounds nineteen shillings and elevenpence halfpenny resting on the existing Governors and the sum of eighteen pounds ten shillings and one penny resting on the Aberdeen Educational Trust both at the date of the confirmation of the Order of 1909 and also in respect of the sum of four hundred and six pounds seventeen shillings and five pence forming a deficiency on the free revenue of the existing Trustees for the year one thousand nine hundred and ten and all liabilities in relation to the said sums in so far as not already implemented and discharged shall be and continue to be a burden on the property and funds of the Endowments Trust as if the said amounts had been capital expenditure primarily incurred by the existing Trustees and shall be repaid in the manner provided in the section of this Order of which the marginal note is "Further borrowing powers to Governors and Trustees" and the balance of the amounts at present outstanding shall be repaid by the Trustees within a

period not being less than fifteen years nor more than seventeen years from the commencement of this Order Until the said amounts are repaid any balance of moneys in the hands of the existing Trustees at the commencement of this Order and arising from the sale of timber or which may accrue to capital in respect thereof or of casual profits may be used for the capital purposes of the Endowments Trust in lieu of being invested as provided by the section of this Order of which the marginal note is "Casual profits."

Indemnity.

16. Every Governor and Trustee and every officer and servant of the Governors and the Endowments Trust shall be indemnified by the Governors and the Endowments Trust respectively against and it shall be the duty of the Governors and the Endowments Trust out of their respective funds to pay all costs losses and expenses which any such Governor Trustee officer or servant may incur or become liable to by reason of any contract entered into or act or deed done by him as such Governor Trustee officer or servant or in any way in the discharge of his duties.

Individual responsibility of Governors &c.

17. No Governor or Trustee shall be personally liable for the acts receipts neglects or defaults of any other Governor or Trustee or any officer or servant of the Governors or the Endowments Trust respectively or for any loss or expense happening to the Governors or the Endowments Trust through the insufficiency or deficiency of title to any property acquired by or by order of the Governors or the Endowments Trust or for the insufficiency or deficiency of any security in or upon which any of the moneys of the Governors or the Endowments Trust shall be invested or for any loss or damage arising from the bankruptcy insolvency or wrongful act of any person with whom any moneys securities or effects of the Governors or the Endowments Trust shall be deposited or for any loss or damage occasioned by any error of judgment or oversight on his part.

Amendment of section 35 of Order of 1909.

18. From and after the appointed day section 35 (Casual vacancies in Endowments Trust) of the Order of 1909 shall be read and construed as if the words "or of its committees" were inserted therein after the word "Trust."

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Amendment of section 37 of Order of 1909.

19. From and after the appointed day section 37 (Application of revenues of Endowments Trust) of the Order of 1909 shall be read and construed as if the words " the expenses of management and the burdens and " taxes affecting the same and the expenditure incurred " in the maintenance repair and improvement of buildings " and other property belonging to them " were omitted therefrom and the words " the interest of all debts of " the Endowments Trust incurred or to be incurred for the " purposes of this Order or the Robert Gordon's Colleges " and Aberdeen Endowments Trust Order 1923 and all " annual repayments of capital (other than interest and " repayment of capital in the said Order of 1923 other- " wise specially provided for) and the expenses of " management of the property and funds of the Endow- " ments Trust and the burdens and taxes affecting the " same and the expenditure incurred in the maintenance " repair and improvement of all buildings and other " property belonging to the Endowments Trust " were inserted therein in lieu thereof.

Chairman of Governors and Trustees.

20. At the first meetings of the Governors and the Trustees after the appointed day (which meetings shall be convened by the chairman of the existing Governors and of the existing Trustees respectively) the Governors and the Trustees respectively shall appoint a chairman and thereafter the Governors and the Trustees respectively shall appoint a chairman at the first ordinary meeting of the year or at an ordinary meeting held at such period of the year as they may from time to time determine In the absence of the chairman from any meeting of either of the bodies a chairman of such meeting shall be chosen from among the members present The chairman shall hold office for a year and shall be eligible for re-election.

Casual profits.

21. Any moneys accruing in respect of mines and minerals and from the sale of timber on the estates and property of the Governors and the Endowments Trust respectively and similar receipts shall be invested by the Governors or the Trustees as the case may be and shall form part of their capital funds respectively except to the extent of two-fifths of the moneys arising from the sale of timber which shall be treated as revenue,

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Audit of accounts.

22.—(1) The Governors and the Trustees respectively may if they so determine annually appoint a chartered accountant or a member of the Society of Incorporated Accountants and Auditors to audit their respective accounts and report thereon.

(2) The said accounts shall in any event be audited on behalf of the department in such manner as the department may from time to time prescribe.

(3) The cost of such audits shall be paid out of the funds of the Governors and of the Endowments Trust respectively.

Amendment of section 66 of Order of 1909.

23. From and after the appointed day section 66 (Provision as to scheme for feeding and clothing children) of the Order of 1909 shall be read and construed as if subsections (2) and (3) of the said section were omitted therefrom and the following subsection were inserted therein in lieu thereof :—

"(2) Any scheme made under the provisions of this section may from time to time be revised in such way as may be mutually agreed on by the Trustees and the education authority who may also from time to time make an amended scheme in lieu of revising any such scheme."

Confirmation of Agreement between Governors and Aberdeen Education Authority.

24. The terms of Agreement set forth in the schedule to this Order are hereby confirmed and made binding on the Governors and the education authority as if the same were contained in an agreement duly entered into by those parties and confirmed by Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 and the Agreement dated the thirtieth day of May and the seventh day of June one thousand nine hundred and twenty-three and made between the existing Governors and the education authority is hereby declared to be null and void so far as the same differs from the terms of Agreement hereby confirmed.

Additional duties and powers of Governors.

25.—(1) From and after the appointed day the Governors shall maintain furnish equip provide administer manage and carry on at the existing college and ground adjacent thereto a school (comprising primary

A.D. 1923. intermediate and secondary departments) in continuance and development of the school known and to be known as Robert Gordon's College and shall have power to erect reconstruct and extend any premises necessary for the purposes of the said school.

(2) From and after the appointed day the Governors shall mutatis mutandis have possess and may exercise for the purposes of and for and in connection with the said school all or any of the powers rights and privileges vested in the existing Governors by the Order of 1909 for the purposes of and for and in connection with the technical college.

(3) From and after the appointed day the Governors shall also have possess and may exercise all or any of the following additional powers :—

(A) To pay and liquidate from capital funds belonging to them and held for the purposes of the technical college or from the revenue which has accrued thereon all deficits on the annual maintenance account of the technical college to the thirty-first day of July one thousand nine hundred and twenty-two;

(B) To procure the affiliation with the colleges or either of them of any educational institution or association having objects wholly or in part similar to the colleges and to procure the affiliation of the colleges with any such educational institution or association all on such terms and conditions as may be arranged;

(C) To enter into arrangements or to co-operate with any persons educational institutions schools or associations having educational objects wholly or in part similar to those of the Governors for the purposes of or incidental to the educational work of the Governors upon such terms and conditions as may be mutually arranged;

(D) To grant and pay a pension gratuity or retiring allowance to or supplement the retiring allowance or pension of any principal headmaster lecturer teacher officer or servant of the Governors on such terms and for such period as the

Governors may deem expedient Provided always that before granting or supplementing such pension gratuity or allowance the Governors shall obtain the consent of the department;

(E) To apply at their discretion from time to time the revenue accruing on the funds and moneys vested from time to time in the Governors for the purposes of the technical college towards the maintenance expenses of the technical college;

(F) To acquire by purchase feu lease or otherwise and to equip playing fields or recreation grounds for use in connection with the colleges or either of them;

(G) All the powers rights and privileges of trustees conferred by the Trusts (Scotland) Act 1921 or any Act amending the same.

Additional powers to Endowments Trust

26. From and after the appointed day the Endowments Trust shall have possess and may exercise all or any of the following additional powers :—

(A) To purchase lease or otherwise acquire premises suitable as a home for the accommodation of not more than thirty indoor foundationers or to purchase feu lease or otherwise acquire land or other property and erect thereon a home for such foundationers and to furnish and equip such home Provided—

(1) That the aggregate amount of capital expended by the Endowments Trust for such purposes shall not exceed the sum of five thousand pounds;

(2) That the moneys required for the purposes of paragraph (A) of this section may either be provided out of the capital funds of the Endowments Trust or borrowed;

(3) That such moneys whether provided or borrowed for the said purposes shall to the extent of two thousand five hundred pounds with relative interest form a charge on the property and funds of the Endowments Trust prior to the application of the

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revenues for the purposes set forth in section 37 (Application of revenues of Endowments Trust) of the Order of 1909 as amended by this Order;

(4) That the balance if any of such moneys whether provided or borrowed with relative interest shall be charged upon the revenue of the Endowments Trust available for the purposes of the endowment foundationers referred to in paragraph (2) of subsection (A) of the said section 37 of the Order of 1909 and shall be repaid by the Endowments Trust in accordance with the provisions of the section of this Order of which the marginal note is "Further borrowing powers to Governors and Trustees";

(B) To grant and pay a gratuity pension or retiring allowance to any officer or servant of the Endowments Trust on such terms and for such period as the Endowments Trust may deem expedient Provided that in the case of a pension or retiring allowance the same shall not in any one year exceed (*a*) In the case of any officer or servant with less than twenty-five years' service a sum equal to one-third of the annual salary or wages of such officer or servant calculated on the average of the three years immediately preceding retirement and (*b*) In the case of any officer or servant with twenty-five years' service or over a sum equal to one-half of the annual salary or wages of such officer or servant calculated on the same basis Provided further that in reckoning the years of service of any such officer or servant employment with the Aberdeen Educational Trust the President and Governors of Robert Gordon's College and the existing Governors shall also be taken into account:

(C) All the powers rights and privileges of trustees conferred by the Trusts (Scotland) Act 1921 or any Act amending the same.

Further borrowing

27. The Governors and the Trustees respectively may borrow such sums as may be necessary for capital

expenditure for the purposes of the Order of 1909 or this Order to which capital may properly be applied and may issue bonds or other obligations therefor and may mortgage or charge the whole or any part of the property and funds of the Governors and the Trustees respectively Provided always that the sums so borrowed shall be repaid by the Governors or the Trustees as the case may be within such period not exceeding thirty years as may be fixed by the Governors or the Trustees respectively in each case from the respective dates of such loans by the setting aside annually out of revenue such annual sums as shall be sufficient to repay such principal sums and interest thereon either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund.

powers to Governors and Trustees.

28.—(1) In addition to any other powers of borrowing conferred on the Trustees the Trustees shall when requested by the Governors borrow or otherwise provide in such manner and on such terms as to interest and otherwise as the Trustees may find expedient and pay over to the Governors such sum or sums as the Governors from time to time shall require for capital expenditure for the purposes of or in connection with the school known as Robert Gordon's College Provided always that the aggregate amount of the principal sum or sums borrowed or provided under the powers of this section shall not as at the date of the first and every subsequent borrowing exceed such a sum as is capable of being repaid in thirty years as regards both capital and interest (which interest for the purpose of this proviso shall be calculated at the rate of five per centum per annum) by means of an annual payment equal in amount to four-fifths of the average annual amount of revenue available after making the payments provided for in subsections (A) (B) and (C) of section 37 (Application of revenues of Endowments Trust) of the Order of 1909 as amended by this Order such average being calculated on the five years ending the thirty-first day of December immediately preceding the date of such borrowing Provided also that in the case of moneys borrowed or provided prior to the thirty-first day of December one thousand nine hundred and twenty-eight such average annual amount

Power to Trustees to borrow for special purposes.

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shall be deemed to be one thousand two hundred pounds Provided further that the said aggregate amount of principal outstanding at any time under the provisions of this subsection shall not exceed twenty thousand pounds.

(2) The Trustees may also in their discretion borrow or otherwise provide such additional sum as they may deem expedient for the purposes aforesaid on such terms as may be arranged between the Trustees and the Governors.

(3) Any moneys borrowed or provided under the provisions of this section shall be repaid by the Trustees within such period not exceeding thirty years as may be fixed by the Trustees in each case from the date or dates of borrowing by the setting aside annually out of revenue (and primarily out of the balance of revenue which would otherwise be payable to the Governors in terms of subsection (F) of section 37 (Application of revenues of Endowments Trust) of the Order of 1909 and secondarily out of the revenue payable to the Governors under subsection (D) of the said section 37) such annual sums as shall be sufficient to repay such principal sum or sums borrowed or provided and the interest thereon by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund.

(4) In the event from whatever cause of the Agreement referred to in the section of this Order of which the marginal note is "Confirmation of Agreement between Governors and Aberdeen Education Authority" being terminated all obligations imposed upon the Trustees by this section shall cease and determine but without prejudice to the security for any moneys borrowed or provided under the provisions of this section and the due repayment thereof as provided in subsection (3) of this section.

Borrowing powers for current expenses.

29. If the Governors or the Trustees shall find it necessary in any year to make payments in connection with the annual or maintenance expenses for the purposes of the Order of 1909 or this Order in anticipation of the respective revenues for the year then current the Governors or the Trustees may temporarily use their capital funds for these purposes or may borrow from any

person or corporation on such terms and conditions and in such form as may be agreed upon between the parties such money as may be required for such purposes and when any money has been so used or borrowed it shall be repaid before the expiry of the following year from the respective revenues of that year.

As to deficit on revenue account.

30. The Trustees shall carry forward any deficit of revenue in any year and shall in the next following year include the same in the accounts of the Endowments Trust and liquidate the same within the said last-mentioned year.

Further provisions as to Foundations and Bursaries.

31.—(1) In all matters affecting the qualification examination election and admission of applicants for Robert Gordon's Foundations and Robert Gordon's Bursaries the Trustees shall from time to time as they shall find it expedient or when requested to do so by the Governors consult with the Governors or if the Governors so desire with a committee of the Governors and the Trustees shall consider any representations which may be made by the Governors or the said committee from time to time regarding the qualification examination election and admission of such applicants.

(2) In all matters affecting the qualification examination election and admission of applicants for Grammar School Bursaries and Public School Bursaries the Trustees shall from time to time as they shall find it expedient or when requested to do so by the education authority consult with the education authority or if the education authority so desire with a committee thereof and the Trustees shall consider any representations which may be made by the education authority or the said committee from time to time regarding the qualification examination election and admission of such applicants.

As to unallocated or lapsed Foundations and Bursaries.

32.—(1) In the event of any foundation or bursary referred to in the provisions of Schedule (B) to the Order of 1909 under the following headings "Robert Gordon's Foundationers" "Robert Gordon's Bursaries" "Grammar School Bursaries" and "Public School Bursaries" not being allocated by the Trustees on account of failure to find suitable applicants or of any such foundation or bursary lapsing by the death of

A.D. 1923.

the holder or his resignation or removal from school from whatever cause the Trustees may create a fund into which shall be placed the balances from time to time accruing of all such unallocated or unexpired foundations or bursaries and the Trustees may from time to time provide for the payment from the said fund of foundations and bursaries of such amount and for such periods and on such conditions in respect of examination and election as the Trustees in their discretion may determine.

(2) The balances from time to time accruing from such unallocated or unexpired Robert Gordon's Foundations Robert Gordon's Bursaries Grammar School Bursaries and Public School Bursaries shall be kept separate and shall be applied for these purposes respectively.

As to Davidson's Free Scholars.

33. The Trustees may annually apply such portions of the sum of two hundred and forty pounds ten shillings and tenpence (constituting the accumulated unapplied annual balances of the sum of thirty pounds annually set aside by the Aberdeen Educational Trust for Davidson's Free Scholars) as they may deem expedient towards the maintenance and education of additional Davidson's Free Scholars.

Costs of Order.

34. All costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order and otherwise in relation thereto shall be paid equally by the Governors and the Endowments Trust.

The SCHEDULE referred to in the foregoing Order. A.D. 1923.

(Referred to in the sections of the Order of which the marginal notes are "Confirmation of Agreement between Governors and Aberdeen Education Authority" and "Power to Trustees to borrow for special purposes.")

MINUTE OF AGREEMENT between the Governors of ROBERT GORDON'S TECHNICAL COLLEGE incorporated by the Robert Gordon's Technical College and Aberdeen Endowments Trust Order 1909 (who and whose successors are where not repugnant to the context hereinafter referred to as "the Governors") on the one part and the EDUCATION AUTHORITY OF THE BURGH OF ABERDEEN (hereinafter referred to as "the Authority") on the other part.

WHEREAS by section 9 (1) of the Education (Scotland) Act 1918 it is lawful for every education authority to contribute to the maintenance of any school not under their own management which is included in the scheme for the provision of education within the education area of that authority approved by the Scottish Education Department (hereinafter referred to as "the Department") and in which the teachers are remunerated at a rate not lower than the rate for teachers of similar qualifications employed by the Authority as also to the maintenance of any central institution and to make a reasonable representation of the Authority on the governing body of any such school or central institution a condition of any such contribution And whereas the Governors carry on and are under the after-mentioned amending Provisional Order to be bound to carry on within the education area of the Authority a school comprising primary intermediate and secondary departments (known as Robert Gordon's College) (hereinafter referred to as "the school") and also a central institution known as Robert Gordon's Technical College (hereinafter referred to as "the central Institution") approved by the department and within the meaning of the said Act And whereas the Authority have for some time made and continue to make contributions under the said section 9 (1) of the said Act and also a further yearly contribution of £3250 as provided in section 9 (2) thereof to the maintenance of the school And whereas the Authority are convinced of the desirability of facilities for technical education continuing to be provided in the city of Aberdeen And whereas those facilities

A.D. 1923. cannot at present continue to be provided unless the Authority make a contribution to the maintenance of the central institution And whereas the Governors have applied to the Authority for such a contribution which the Authority are willing to make on the conditions after stated :

Therefore the parties hereto have agreed and do hereby agree as follows :—

First. The Authority shall subject to the conditions hereinafter contained pay to the Governors a contribution to the maintenance of the central institution now carried on by the Governors or to be carried on under the amending Provisional Order after referred to commencing in respect of the year from first August nineteen hundred and twenty-two to thirty-first July nineteen hundred and twenty-three and yearly thereafter so long as the terms of this Agreement are observed by the Governors and so long also as the department continue to pay maintenance grants annually to the central institution of an amount which in the opinion of the Authority is reasonably sufficient to justify the Authority in continuing their contributions Such yearly contributions for which the Authority hereby undertake responsibility as aforesaid shall be either (A) one-half of the final deficit on the maintenance account of the central institution for the year to thirty-first July nineteen hundred and twenty-three or any subsequent year as the case may be after deducting from said half all other "income from local sources" (within the meaning of the minute of the Committee of Council on Education in Scotland dated eighteenth August nineteen hundred and nineteen with reference to the payment from the Education (Scotland) Fund of maintenance grants to special institutions) received or payable in respect of the year in question or (B) a sum of three thousand pounds whichever is the less The said obligation to contribute herein given shall not prejudice the Authority's powers to contribute further or otherwise to the Governors under said section 9 of the said Act or any other Act that may be passed.

Second. Subject always to the due fulfilment of the conditions and stipulations hereinbefore and after expressed the Authority shall pay said yearly contribution not later than within one month after the maintenance account of the central institution is in each year submitted to and approved by the Authority who may make prepayments on account of said contributions if so advised An estimate of said maintenance account for the year then ensuing shall be transmitted by the Governors for the Authority's approval before 31st May in each year (commencing in 1923) or such later date as the Authority may at any time approve.

Third. It is a condition of the Authority's obligation that the Governors shall obtain the necessary authority under the after-mentioned amending Provisional Order to pay and liquidate (and shall not later than thirty-first March nineteen hundred and twenty-four pay and liquidate) from the capital funds of the central institution or the revenue which has accrued thereon as specified in the statement annexed all deficits on the annual maintenance accounts of the central institution down to thirty-first July nineteen hundred and twenty-two after crediting the grants to be made by the department in respect of the period to that date it being also a condition hereof that the department shall consent to regard the funds so to be applied in the liquidation immediately before-mentioned as "income from local sources" entitling the Governors to full departmental grants for the period to thirty-first July nineteen hundred and twenty-two under section II of the minute of eighteenth August nineteen hundred and nineteen referred to in Article First of this Agreement.

Fourth. It is a further condition of the Authority's obligations hereunder that the Department shall contribute (in addition to the usual grants payable under section 16 (1) (C) of the Education (Scotland) Act 1908 and section II (A) of the minute of eighteenth August nineteen hundred and nineteen referred to in Article First of this Agreement) the remaining half of the final deficit on the said maintenance account of the central institution for the year ending thirty-first July nineteen hundred and twenty-three (*i.e.* grant under section II (B) of aforesaid minute) and that the Authority's contribution shall be regarded by the Department as "income from local sources" and that the Department shall also pay over to the Governors the unpaid balances of the grants due under the said minute for the maintenance of the central institution down to thirty-first July nineteen hundred and twenty-one and so soon as the amount required is ascertained a similar grant in respect of the year ending thirty-first July nineteen hundred and twenty-two to which date also all other unpaid grants shall be paid by the Department.

Fifth. It is a further condition of the continuance of the Authority's said liability for the said contribution to the Governors that the Department shall in each year regard the said contribution to the central institution as "income from local sources" entitling the Governors to full departmental grants as aforesaid and shall pay such grants accordingly.

Sixth. With regard to the school carried on and to be carried on by the Governors the Authority conditionally on the due fulfilment of the whole conditions and stipulations of this Agreement agree to continue to pay to the Governors annually the sum which in the opinion of the Authority is required in addition

A.D. 1923.

to grants fees and other revenue to enable the Governors to carry on the school provided that the Governors' maintenance accounts of the school are approved by the Authority from time to time and that the Governors become bound in said amending Provisional Order to carry on and to continue to carry on the school and make adequate provision for such number of free places in all departments of the school as may be arranged between the Governors and the Authority and provided also that the Department's grants to the school and the annual payments by the Department to the Authority on account of the Authority's contribution to the school under section 9 (1) of the said Act of 1918 (which annual payments are at present made in terms of section 3 of the Education Authorities (Scotland) Grant Regulations nineteen hundred and twenty-two) continue to be of an amount which in the opinion of the Authority is reasonably sufficient to justify the Authority in continuing their contributions The said obligation to contribute in terms hereof shall not prejudice the Authority's powers conferred or to be conferred on the Authority by statute to contribute further or otherwise to the Governors An estimate of said maintenance account for each financial year shall be transmitted by the Governors to the Authority for their approval not later than thirty-first May in each year (commencing 1923) or such later date as the Authority may at any time approve The Governors shall if the Authority so desire continue the present practice of appointing as members of their secondary school committee or of such other committee as may be charged with the administration of the school five representatives of the Authority to be nominated from time to time by the Authority.

Seventh. It is a condition of the fulfilment of the obligations hereby undertaken by the Authority that both the central institution and the school shall at all times continue to retain the qualifications for the receipt of contributions prescribed in section 9 (1) of the said Act of 1918 or any amending statute.

Eighth. This Agreement (other than Article Ninth hereof) shall come into operation on the date of the passing of the Act confirming the said amending Provisional Order and it is hereby provided that nothing herein contained shall be construed as importing any obligation or undertaking upon or by the Department and that notwithstanding the terms of this Agreement it shall be competent to the Authority at any time and from time to time to dispense with and waive any of the conditions herein conceived in their favour subject always to the approval of the Department.

Ninth. This Agreement shall be scheduled to a Provisional Order amending the said Order of 1909 which amending Provisional Order shall be applied for forthwith by the Governors (either alone or in conjunction with others) and this Agreement

is subject to such alterations as may be made thereon during the progress of the said amending Provisional Order and both parties hereto undertake to use their best endeavours to obtain the granting of the said amending Provisional Order and Parliamentary confirmation thereto in so far as it relates to the subject matters of this Agreement declaring that in the event of any alteration in the provisions as to the Authority's representation on the Governing Body of Robert Gordon's Technical College as these provisions appear in the said amending Provisional Order or any other material alteration being made hereon during the progress of the said amending Provisional Order either of the said parties shall be entitled to resile from this Agreement and in that event the amending Provisional Order shall not be proceeded with in so far as it relates to the confirmation of this Agreement.

STATEMENT REFERRED TO IN ARTICLE THIRD OF THE FOREGOING MINUTE OF AGREEMENT.

Statement of Assets of the Central Institution as appearing in the Accounts of the Institution ending 31st July 1922 from which the deficits on the Annual Maintenance Accounts of the Central Institution to 31st July 1922 are to be liquidated :—

	£ s. d.	£ s. d.
(1) Invested Funds—		
(A) £25,550 5 per cent. War Stock (1929–47) - - -	24,624 16 10	
(B) Town Council of Aberdeen -	5,000 0 0	
(C) Aberdeen Endowments Trust	6,000 0 0	
(D) North of Scotland & Town & County Bank Ltd. (Deposit Receipt) - - -	2,500 0 0	
		38,124 16 10
(2) Expenditure on Maintenance of Central Institution - - -		11,860 10 8
		£49,985 7 6

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