STATUTORY INSTRUMENTS

1980 No. 854 (S.64)

EDUCATION, SCOTLAND

The Royal High School Endowment Trust Scheme 1980

Made - - - - 18*th June* 1980

Coming into Operation 1*st August* 1980

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation
2. Interpretation
3. Vesting, amalgamation etc. of endowments
4. Powers of investment
5. Additional donations
6. Business arrangements
7. Rules and regulations
8. Application of income
9. Prizes
10. Support of clubs etc.
11. Bursaries for secondary education
12. Bursaries for higher education
13. Post-graduate scholarships
14. Grants for second or subsequent degrees
15. General conditions for awards
16. Limitation of value of awards
17. Continuation of benefits
18. Copies of scheme
19. Revocation

Schedule 1—Particulars of the endowments to which this scheme relates

Schedule 2—Prizes

In exercise of the powers conferred on him by sections 118(1) and 125(2) of the Education (Scotland) Act 1962(a) and all other powers enabling him in that behalf and after—

(*a*) preparing a draft scheme for the future management of the endowment known as the Royal High School Endowment and of the endowments described opposite to serial numbers 2 to 5 inclusive in column 1 of Schedule 1 to this scheme,

(*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:—

(a) 1962 c. 47; section 125 was substituted by the Education (Scotland) Act 1969 (c. 49), section 19.

Citation

1. This scheme may be cited as the Royal High School Endowment Trust Scheme 1980.

Interpretation

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

"Council" means the Lothian Regional Council acting as the governing body of the Royal High School Endowment Trust;

"school" means the Royal High School, Edinburgh;

"endowment" means the Royal High School Endowment Trust;

"Scheme of 1933" means the Royal High School Endowment Scheme 1933, approved by His late Majesty King Edward VIII in Council on 30th April 1936.

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

Vesting, amalgamation etc. of endowments

3. From and after 1st August 1980 the endowments named and described in Schedule 1 shall be vested in the Council and shall be amalgamated to form one endowment under the name of the Royal High School Endowment Trust, which shall be administered and applied exclusively in accordance with the provisions of this scheme.

Powers of investment

4.—(1) It shall be in the power of the Council 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.

(2) It shall be in the power of the Council to retain any investments in which capital is invested. The Council shall review these 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 who is reasonably believed by the Council to be qualified by his ability in, and practical experience of, financial matters to advise the Council on the exercise of their powers under this paragraph.

Additional donations

5. It shall be in the power of the Council to receive donations, legacies, annuities, subscriptions and other gifts (hereinafter referred to as "additional donations") for the purposes of this scheme, or for purposes connected therewith. Such additional donations shall be applied in accordance with the directions of the respective testators or donors. In the absence of any specific direction relating thereto the Council shall add any additional donation to the capital or income of the endowment or in such proportions as they think fit to both the capital and income.

Business arrangements

6.—(1) The business of the endowment shall stand referred to the Education Committee of the Council and the Council, before exercising any power conferred upon them by this scheme shall, unless in their opinion the matter is urgent, receive and consider the report of the said Committee with respect

to the matter in question, provided always that it shall be in the power of the Council to delegate any or all of their said powers to the said Committee. The said business may be transacted either at ordinary meetings of the Council or of the said Committee or at meetings summoned for the purpose which shall be convened and conducted according to the ordinary rules and practice of the Council or of the said Committee.

(2) The special sub-committee of the Education Committee established under sub-section (3) of section 3 of the Scheme of 1933 shall be continued and the business of the endowment shall stand referred by the Education Committee to the said sub-committee. The Education Committee, before exercising any power conferred upon them under this scheme shall, unless in their opinion the matter is urgent, receive and consider the report of the said sub-committee with respect to the matter in question, provided always that it shall be in the power of the Education Committee to delegate any or all of their said powers to the said sub-committee.

(3) The special sub-committee shall consist of the following persons, that is to say:—

(*a*) Five persons to be appointed by the Council from the members of the Education Committee, at least three of the persons appointed to be Councillors;

(*b*) Two persons to be appointed by the Council on the nomination of the Royal High School Club, or failing such nomination, on the nomination of the Education Committee.

(4) The Rector of the school shall act as assessor to the special sub-committee and in that capacity he, or any substitute appointed by him, shall be entitled to attend meetings of the said sub-committee, but shall have no voting rights.

(5) The Council shall make regulations under paragraph 7 of this scheme as to the period of office of members of the said sub-committee, the quorum and the mode of conducting business at meetings of the said sub-committee.

Rules and regulations

7. It shall be in the power of the Council to make such rules and regulations as they think fit for the exercise of their powers under this scheme, provided that the said rules and regulations shall be consistent with the provisions of this scheme.

Application of income

8.—(1) The Council, after paying the necessary expenses of management and the burdens and taxes affecting the endowment, shall apply the free annual income of the endowment in executing the purposes of this scheme.

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

Prizes

9.—(1) The Council shall apply each year a sum not exceeding 5 per cent of the free income of the trust in awarding the prizes named in Schedule 2, subject to any conditions specified in column 3 opposite the name of the prize in column 2.

(2) The Council may conjoin any two or more of the prizes, provided that any special conditions for the award of the prizes to be conjoined are fulfilled, and that suitable acknowledgement of the original donors is made in describing the conjoined prize.

(3) It shall be in the power of the Council to determine the particular form a prize shall take.

(4) If in the opinion of the Council no pupil is of sufficient merit to justify the award of a particular prize in any year, it shall be in the power of the Council to withhold that prize in that year.

(5) If the award of prizes is discontinued in the school, it shall be in the power of the Council to expend the sum specified in sub-paragraph (1) of this paragraph on the promotion of projects of an educational nature within the school. Such sums shall be additional to funds which the Council as education authority may reasonably be expected to provide for similar purposes. Wherever possible, the projects should be allied to the subject or subjects shown in column 3 of Schedule 2.

Support of clubs etc.

10.—(1) The Council may make grants to assist the formation, maintenance and encouragement of any club, society or organisation within the school or to assist any pupil in connection with his or her participation in such club, society or organisation.

(2) The Council may also make grants designed to promote any subject forming part of the curriculum of the school, provided that such grants shall be supplementary to the provision which the Council may reasonably be expected to make as education authority.

(3) Where any grant is made for the promotion of sporting activities within the school, the name of Gover shall be associated with such an award.

Bursaries for secondary education

11.—(1) The Council may award bursaries of such annual value as they think fit for the secondary education of pupils at the school. Each bursary shall be known by one or other of the following names, that is to say: Morrison Bursary, Robertson Bursary, Sibbald Bursary or Donaldson Club Bursary.

(2) In awarding such bursaries, the Council shall give preference to pupils who intend to continue their studies at the school following the completion of their period of compulsory education.

Bursaries for higher education

12.—(1) The Council may award bursaries to pupils of the school about to enter, or former pupils in attendance at, a university or institution of higher education.

(2) The bursaries shall be of such annual value as the Council think fit and, subject to the provisions of paragraph 15(2), each bursary shall be tenable for such number of years as is necessary to enable the holder to complete his or her course of study. It shall be in the power of the Council to extend the period of tenure if they approve of the holder undertaking an extended course.

(3) Such awards shall be known either as Royal High School Exhibitions or Sir David Yule Memorial Scholarships.

Post-graduate scholarships

13. The Council may award scholarships of such annual value as they think fit for research work or for advanced or special study to former pupils who have graduated at a University or obtained an associateship, degree or diploma of a central institution or a corresponding qualification of another appropriate institution.

Grants for second or subsequent degrees

14. The Council may make grants of such annual value as they think fit to former pupils who have obtained a degree, associateship, diploma or certificate of a university or other institution of further or higher education to enable them to obtain a second degree, associateship or other qualification.

General conditions for awards

15.—(1) In making an award under paragraphs 11 to 14 inclusive, the Council shall have regard to the diligence, attainment and promise of the applicant.

(2) The Council shall require the holders of bursaries and awards to satisfy them that they are making sufficient progress in their courses of study. If in the opinion of the Council any such holder shall be guilty of serious misconduct or shall fail to make sufficient progress, the Council may withdraw the bursary or award or suspend the holder from its benefits and the decision of the Council shall be final.

Limitation of value of awards

16. The amount of any award under this scheme to a person who holds, or is to hold, a scholarship 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 or other allowance to be reduced.

Continuation of benefits

17. Any person who at 1st August 1980 is a beneficiary under the endowment to which this scheme relates shall continue to enjoy the benefit thereof subject always to the conditions under which it was awarded.

Copies of scheme

18. The Council shall maintain a supply of printed copies of this scheme and copies shall be available for sale to the public at a reasonable price.

Revocation

19. The scheme of 1933 shall cease to have effect on 1st August 1980.

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

Alastair D. F. Findlay,
Assistant Secretary.

Scottish Education Department,
New St. Andrew's House,
Edinburgh.
18th June 1980.

SCHEDULE 1

Paragraph 3

PARTICULARS OF THE ENDOWMENTS TO WHICH THIS SCHEME RELATES

Serial No. (1)	*Name of endowment* (2)	*Designation of Founders* (3)	*Governing Instrument* (4)
1	Royal High School Endowment comprising		Royal High School Endowment Scheme 1933 approved by His late Majesty King Edward VIII in Council on 30th April 1936
	(*a*) An annuity from the Common Good and certain other properties and revenues	Mary Queen of Scots	
	(*b*) Colonel Murray's Mortification	Lieut.-Col. Peter Murray, Adjutant General to the Army in Bengal	
	(*c*) Colonel Macdonald's Mortification	Colonel John Macdonald of Exeter, last surviving son of Flora Macdonald	
	(*d*) William Ritchie's Mortification	William Ritchie, sometime Master in the High School of Edinburgh	
	(*e*) Boyd Prize Fund	Subscribers to a Fund to commemorate Dr. Boyd, sometime Master in the High School of Edinburgh	
	(*f*) Cousin (or Dalton) Medal Fund	George Cousin, Sunnyside	
	(*g*) Benjamin Mackay's Bequest	Benjamin Mackay, sometime Classical Master in the Royal High School, Edinburgh	
	(*h*) Donaldson Club Trust	James Jamieson and Others being the Committee of Management of the Donaldson Club	
	(*i*) Robertson Trust	John Robertson, sometime schoolmaster at Preston	
	(*j*) Sibbald Trust	John Robertson Sibbald, MD, FRCSE, of Edinburgh	

SCHEDULE 1 (*continued*)

Serial No. (1)	*Name of endowment* (2)	*Designation of Founders* (3)	*Governing Instrument* (4)
2	Dr. F. P. R. Gover's Trust	Dr. Frederick Percy Richard Gover, Brighton	Will of Dr. F. P. R. Gover dated 12th October 1934 and proved in the Principal Probate Registry on 2nd May 1935
3	John Paton Morrison Bequest	John Paton Morrison, Birmingham	Will of John Paton Morrison dated 8th September 1933, registered in the Birmingham District Probate Registry on 5th May 1936 and re-sealed at Edinburgh on 11th May 1936
4	Sir Alexander Stevenson Prize Fund	Sir Alexander Stevenson	Minute of Meeting of Edinburgh Corporation Education Committee dated 19th October 1931
5	Sir David Yule Memorial Scholarships Trust Fund	Dame Annie Henrietta Yule and Miss Gladys M. Yule	Trust Deed by Dame Annie Henrietta Yule and Miss Gladys M. Yule dated 18th September 1930 and registered in the Books of Council and Session at Edinburgh on 13th October 1930

SCHEDULE 2

Paragraph 9

PRIZES

Serial No. (1)	*Name of Prize* (2)	*Special Conditions* (3)	*Serial No. in Schedule 1* (4)
1	Dalton Prizes	Prizes of a useful nature to be awarded to pupils attending the science classes	1(*f*)
2	Colonel Murray Prize	The prize to be of a useful nature	1(*b*)
3	Colonel Macdonald Prize	" " "	1(*c*)
4	William Ritchie Prize	" " "	1(*d*)
5	Doctor Boyd Prize	" " "	1(*e*)
6	Benjamin Mackay Prizes	Prizes of a useful nature for the promotion of the study of literature and science in the school and the encouragement of athletic prowess among pupils attending the school	1(*g*)
7	Sir Alexander Stevenson Prize	The prize to be awarded at the absolute discretion of the Rector	4

Printed in England by Harrison & Sons (London) Ltd., and published by Her Majesty's Stationery Office

800/31782 G.57 K8 6/80

£1 net

ISBN 0 11 006854 8