STATUTORY INSTRUMENTS

1978 No. 645 (S. 58)

EDUCATION, SCOTLAND

Spier's Trust Scheme 1978

Made - - - *27th April* 1978

Coming into Operation *27th April* 1978

ARRANGEMENT OF PARAGRAPHS

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SCHEDULE—Particulars of the endowment to which this scheme relates.

In exercise of the powers conferred on him by section 118(1) of the Education (Scotland) Act 1962(**a**) and section 125(5) of the said Act as substituted by section 19 of the Education (Scotland) Act 1969(**b**) and all other powers enabling him in that behalf and after—

(*a*) preparing a draft scheme for the future management of the endowment known as the Spier's Trust Scheme 1936 and described in the Schedule to this scheme,

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

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

(*d*) framing a scheme under section 125(3) of the said Act to take account of the objections received,

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

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

(*f*) no petition or appeal having been presented to the Court of Session and no petition having been presented to him,

the Secretary of State hereby makes the following scheme:—

Citation

1.—This scheme may be cited as the Spier's Trust Scheme 1978.

Interpretation

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

"area of benefit" means the parishes of Beith, Dalry, Dunlop, Kilbirnie, Lochwinnoch and Neilston;

"Council" means the Regional Council of Strathclyde acting as the governing body of Spier's Trust, and

"Trust" means Spier's Trust.

(2) The Interpretation Act 1889(**a**) shall apply for the interpretation of this scheme as it applies for the interpretation of an Act of Parliament.

(3) References in this scheme to an enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment or as contained in any other enactment substituted for that enactment.

(4) References in this scheme to a paragraph shall, except where the context otherwise requires, be construed as references to a paragraph of this scheme.

Continuance of governing body

3. For the purpose of carrying the provisions of this scheme into effect the Council who became the statutory successors as from 16th May 1975 under the provisions of section 128 of the Local Government (Scotland) Act 1973(**b**) to Ayrshire County Council as governing body of the Trust shall continue to be the governing body of the Trust.

Vesting of the Trust

4. From and after 27th April 1978 the properties heritable and moveable of the Trust together with all rights, interests and liabilities therein shall continue to be vested in the Council without the necessity of any new instrument or conveyance and shall be held, administered and applied by them exclusively in accordance with the provisions of this scheme.

Business arrangements

5. The business of the Trust may be transacted either at ordinary meetings of the Council or at meetings summoned for the purpose which shall be convened and conducted according to the ordinary rules and practice of the Council.

Administrative powers

6.—(1) The Council shall under the provisions of section 4 of the Trusts (Scotland) Act 1921(**c**) have power to sell all or any part of the heritable and

(**a**) 1889 c. 63. (**b**) 1973 c. 65. (**c**) 1921 c. 58.

moveable properties and to grant leases of all or any part of the heritable properties vested in them under the provisions of this scheme and to do any of the other acts set forth in the said section 4 or in any public general statute amending the said section in so far as the said acts are not at variance with the provisions of this scheme.

(2) From and after 27th April 1978 the Council shall have power to continue to apply the terms of any lease of any part of the heritable properties which was granted to any person or persons prior to 27th April 1978.

Committees

7. The Council may appoint committees comprising members of the Council or other persons, or both, appoint a convener of each committee, confer on each committee all such powers and give each committee all such instructions as may appear expedient and fix the quorum of each committee.

Rules

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

Powers of investment

9. In regard to the investment of the funds of the Trust and any additional funds received in terms of paragraph 10 the Council shall have all powers competent to them under the Common Law of Scotland as a body corporate.

Additional donations

10. 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 Trust or in such proportions as they think fit to both the said capital and income.

Application of income

11.—(1) The Council shall, as soon after 27th April 1978 as can conveniently be arranged, add to the capital of the Trust the amount of the income of the Trust which has accrued as at 27th April 1978.

(2) The Council, after paying the necessary expenses of management and the burdens and taxes affecting the Trust, shall in each financial year apply as nearly as possible the whole of the free annual income of the Trust and any balance of income carried forward from the previous financial year in the following manner:—

(*a*) they shall meet any cost incurred under paragraph 13 (relating to the Spier Memorials, etc.);

(*b*) they shall pay such sums, as may be due in respect of drafts upon capital or money borrowed under paragraph 12(2);

(*c*) they shall award the Spier Grants described in paragraph 14, and

(*d*) they may meet any cost incurred under paragraph 16.

(3) If, notwithstanding the provisions of the foregoing sub-paragraph (2) of this paragraph, there is at the end of any financial year an unexpended balance of the income of the Trust, the Council shall carry the said balance or part thereof forward to the following financial year or shall add the said balance or part thereof to the capital of the Trust.

Capital expenditure

12.—(1) The Council may incur capital expenditure for the purposes of paragraph 15(1) for which capital may properly be used.

(2) The Council may meet the cost of capital expenditure incurred under the foregoing sub-paragraph of this paragraph by making drafts upon the capital of the Trust or by borrowing money, provided that each draft upon capital and each loan shall be repaid from income to capital or to the lender, as the case may be, within such period of not more than 60 years as the said Council consider reasonable having regard to the purpose for which the capital expenditure is required. The Council shall be entitled to make drafts upon capital equivalent to the sum added to capital under paragraph 11(1) and any sums added to capital under paragraph 11(3) without repaying such drafts.

Spier Memorials, etc.

13. The Council shall make arrangements for the accommodation of the memorial stones and tablets which are situated in the Trust's buildings and for the upkeep of the graves and tombstones of the Spier family in the Old Churchyard, Beith.

Spier Grants

14.—(1) The Council shall in each financial year award grants which shall be known as Spier Grants to persons, including pupils who are receiving secondary education, ordinarily resident in the area of benefit who, or whose parents or guardians where the applicants are pupils, are in such financial circumstances as to require aid to enable them to meet the cost of attending a course or obtaining special tuition in any academic, artistic, scientific or technological subject or subjects in or furth of Scotland.

(2) The Council shall require applicants for Spier Grants to submit for their approval particulars of the nature, location and duration of the course or special tuition to be undertaken and in determining the amount of grant to be awarded to applicants the Council shall have regard to the applicants' financial circumstances, or those of their parents or guardians where the applicants are pupils, and the expenses likely to be incurred.

(3) No applicant who is in receipt of an allowance, bursary or scholarship which is paid out of monies provided by Parliament or out of any fund aided by grants from Parliament shall be awarded a Spier Grant of such amount as will cause the said allowance, bursary or scholarship to be reduced.

(4) The Council shall take appropriate steps, including the insertion each year of an advertisement in two or more newspapers circulating in the area of benefit, to make information about Spier Grants available to the public.

Power to develop properties of Trust

15.—(1) The Council may restore and develop the Trust's buildings vested in them at 27th April 1978 or demolish all or part of the said buildings and erect such new accommodation on the Trust's lands as they may consider essential for the purpose of providing facilities for sports and recreation for members of the public provided that preference shall be given to persons ordinarily resident in the area of benefit. They may also develop the lands of

the Trust for the said purpose. Any expenditure incurred by the Council under this paragraph may, subject to the provisions of paragraph 16(2), be met in accordance with the provisions of paragraph 12(2).

(2) If the Council resolve to exercise the powers conferred on them by the foregoing sub-paragraph (1) of this paragraph they shall have regard to the views of members of the public ordinarily resident in the area of benefit.

Power to maintain and lease properties of Trust

16.—(1) It shall be in the power of the Council to maintain the lands of the Trust and such buildings as may exist thereon and to grant leases of all or part of them at such rents and on such terms as the Council think fit.

(2) The Council may allow the Education Authority for the Region of Strathclyde the use, without charge, of the heritable properties of the Trust, or any part thereof, for the purposes of education and sports for pupils attending schools in the area of benefit:

Provided that the said Education Authority shall undertake at their own expense the development of or alterations to the said properties required for the said purposes and that the said Education Authority shall undertake the maintenance of the said properties so long as they are required for the said purposes:

Further provided that when the said properties are not being used for the said purposes the Council may allow the use thereof for sports and recreation on such terms as they think fit by members of the public provided that preference shall be given to persons ordinarily resident in the area of benefit.

Continuation of benefits

17. Any person who at 27th April 1978 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 shall cause a copy to be kept available for inspection by any member or officer of the said Council and copies shall be sold at a reasonable price to all persons applying for them.

Revocation

19. The Spier's Trust Scheme 1936 shall cease to have effect on 27th April 1978.

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

W. A. P. Weatherston,
Assistant Secretary.

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

27th April 1978.

SCHEDULE

PARTICULARS OF THE ENDOWMENT TO WHICH THIS SCHEME RELATES

Name of endowment	*Founder*	*Governing instrument*
Spier's Trust	Mrs. Margaret Spier	Spier's Trust Scheme 1936 approved by His late Majesty King George VI in Council on 13th April 1937.

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