

Amended Scheme, with explanatory memorandum prefixed, published by the
Secretary of State under section 125(5) of the Education (Scotland) Act
1962.

No. 263.

EDUCATION (SCOTLAND) ACT 1962

Madras College (St. Andrews) Trust Scheme 1968

MEMORANDUM

1. Madras College, St. Andrews, was founded in 1831 by the Reverend Andrew Bell of Egmore. In 1888 a scheme was approved under the Educational Endowments (Scotland) Act 1882 which incorporated a governing body under the name of "The Governors of the Madras College, St. Andrews" and the College and its endowments were transferred to them.

2. By 1927, the governing body were experiencing difficulty in maintaining the College and they applied to the Court of Session for an amendment of their scheme which was carried out in July 1928. The amended scheme continued the governing body constituted in the original scheme and provided for the transfer of Madras College to the Fife Education Authority. The Trustees accordingly transferred the College to the Education Authority on 30th July 1928.

3. The governing body represented to the Secretary of State that several provisions of the 1888 scheme as amended have become obsolete and others require amendment to bring them up to date. The Secretary of State accepted the governing body's representations and published a draft scheme accordingly.

4. The Secretary of State considered the comments received on the draft scheme, all of which referred to the omission of bursaries to the kin of the founder, but decided in view of the lapse of time since the setting up of the Trust to support the governing body in their proposal that the provision in the Trust Deed for preferential award to the kin of Dr. Bell be discontinued. The Secretary of State framed and published the scheme accordingly.

5. After consideration of the further comments received the Secretary of State has decided to modify his proposals in order to meet some of the points put forward. The scheme now framed provides for (1) the Rector of Madras College to be a member of the governing body *ex officio*, and (2) the preferential award of an annual bursary to the kin of the founder to be continued for a further 20 years.

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SCHEME

SCHEME UNDER THE EDUCATION (SCOTLAND) ACT 1962 FOR THE FUTURE GOVERNMENT AND MANAGEMENT OF THE MADRAS COLLEGE (ST. ANDREWS) TRUST.

Whereas the Reverend Andrew Bell of Egmore, by an Indenture and Declaration of Trust between the said Reverend Andrew Bell and William Haig and others dated 14th July 1831 and registered in the Books of Council and Session on 31st January 1832, gave and bequeathed certain funds and estates for educational purposes ;

And Whereas the said funds and estates are presently held and administered under the Scheme of 1888 ;

And Whereas the said funds and estates are educational endowments within the meaning of section 135 of the Education (Scotland) Act 1962(a) ;

And Whereas it appears to the Secretary of State after due examination and inquiry that, in order to extend the usefulness of the trust to which this scheme relates arrangements should be made, in accordance with the provisions of Part VI of the Act of 1962, for the future government and management thereof :

Therefore, from and after the date of this scheme, the said trust shall be held and administered for the purposes, with the powers and under the conditions and provisions hereinafter specified.

PART I

INTERPRETATION AND CITATION, ETC.

Interpretation

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

- (a) " Act of 1962 " means the Education (Scotland) Act 1962 ;
- (b) " date of this scheme " means the date upon which Her Majesty's approval of this scheme is signified by Order in Council ;
- (c) " governing body " means the Governors of the Madras College (St. Andrews) Trust ;
- (d) " nominating body " means the body entitled to nominate a governor ;
- (e) " the Trust " means the Madras College (St. Andrews) Trust ;
- (f) " Scheme of 1888 " means the Scheme No. 196 prepared by the Commissioners appointed under the provisions of the Educational Endowments (Scotland) Act 1882(b) and approved by Her Majesty Queen Victoria in Council on 3rd May 1888 as amended by Interlocutor of the First Division of the Court of Session dated 18th July 1928.

(2) The Interpretation Act 1889(c) applies for the interpretation of this scheme as it applies for the interpretation of an Act of Parliament.

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

(a) 1962 c. 47.

(b) 1882 c. 59.

(c) 1889 c. 63.

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

Commencement and citation, etc.

2.—(1) This scheme shall come into operation on the date of this scheme and may be cited as the Madras College (St. Andrews) Trust Scheme 1968.

(2) The Scheme of 1888 shall cease to have effect.

PART II

CONSTITUTION OF THE GOVERNING BODY

Reconstitution of governing body

3.—(1) For the purposes of carrying this scheme into effect the governing body constituted under the Scheme of 1888 with the name of "The Trustees of the Madras College Endowment" shall be and is hereby reconstituted 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.

(2) The governing body reconstituted under the last foregoing subsection shall if so requested grant the governing body in office at the date of this scheme a discharge of their intrusions.

Composition of governing body

4. The governing body shall consist of the following persons—

- (a) 1 person to be nominated by the Presbytery of the Church of Scotland, St. Andrews ;
- (b) 1 person to be nominated by the University Court of the University of St. Andrews ;
- (c) 1 person to be nominated by the Senatus of the University of St. Andrews ;
- (d) 2 persons, one of whom shall be a former pupil of Madras College, to be nominated by the Town Council of St. Andrews ;
- (e) 2 persons to be nominated by the Education Authority of the County of Fife ;
- (f) the Rector of Madras College *ex officio*.

Nomination of governors

5. The nomination of governors under section 4 shall be made by the respective nominating bodies, or by committees thereof to whom the power to nominate has been delegated either at ordinary meetings or at meetings summoned for the purpose which shall be convened and conducted according to the ordinary rules and practices of the said bodies.

Transitional provisions

6. The governors in office at the date of this scheme shall, subject to the provisions of section 8, hold office until the expiry of the periods of office for which they were respectively elected.

Term of office

7. Subject to the provisions of sections 8 and 10, each nominated governor shall hold office for a period of 5 years.

Demission of office

8. Any governor who shall become bankrupt or otherwise incapacitated to act, or who shall without reasonable cause omit to attend 3 successive meetings of the governing body, shall thereupon be deemed to have vacated office.

Vacancies

9.—(1) Every vacancy, whether occasioned by the expiry of a normal term of office as a governor, death or any other cause, shall be entered in the minutes.

(2) Each vacancy among the nominated governors shall be intimated by the governing body to the nominating body. In the case of a vacancy caused by the expiry of a normal term of office intimation shall be made not less than 1 month before the date on which the vacancy will occur and in other cases as soon as may be thereafter. The nominating body shall nominate a successor within 3 months of the occurrence of the vacancy:

Provided that if the nominating body fails to comply with the foregoing provisions, the governing body may appoint a successor (who shall be a person eligible for nomination by the nominating body) and any appointment under this proviso shall be deemed to be a nomination by that body.

(3) Any governor nominated or appointed in place of a governor who has died or otherwise vacated office before the end of his normal term of office shall, subject to the provisions of section 10, hold office only during the unexpired portion of the said governor's term of office.

Renomination

10. Any governor on the expiry of his period of office shall, subject to the provisions of this scheme, be eligible for renomination or re-appointment.

Validity of proceedings

11. No failure or delay or defect in the nomination or appointment of any governor and no vacancy in the office of any governor shall prevent the governing body or any committee appointed by them from acting in the execution of this scheme; nor shall any act or proceeding of the governing body or of any committee appointed by them be invalidated or be illegal by reason of any such failure, delay, defect or vacancy:

Provided that the number of governors validly nominated or appointed and in office at the time of the said act or proceeding was not less than 3.

Execution of deeds

12. All deeds and other writings sealed with the corporate seal and signed by 2 of the governors and the clerk or other duly authorised officer of the governing body appointed for the purpose, shall be held to be validly executed on behalf of the governing body.

PART III

ADMINISTRATIVE ARRANGEMENTS

Chairman

13. The governing body shall appoint a Chairman and a Vice-Chairman from their own number at the first ordinary meeting of the year or at an ordinary meeting held at such period of the year as they may determine and in the absence of both the Chairman and Vice-Chairman the governing body shall appoint 1 of their own number to preside at any meeting. The Chairman and the Vice-Chairman shall hold office for 1 year and shall be eligible for re-appointment.

Committees

14. The governing body may appoint such committees of their own number as they think fit, appoint the convener of each committee, confer on each committee all such powers and give all such instructions as may appear expedient and fix the quorum of each committee.

Administrative staff

15. The governing body may appoint a clerk or factor and such other officers as they consider necessary at such reasonable salaries and under such conditions of service as they may determine. Any such officers shall hold office at the pleasure of the governing body. Any officer of the governing body whose duties include intrusions with funds belonging to the governing body shall find such caution as the governing body may require for his intrusions. No governor acting as clerk, factor or other officer shall be entitled to any remuneration.

Meetings

16.—(1) The governing body shall hold at least 1 ordinary meeting in the year at such place and time as they may determine.

(2) The Chairman or the Vice-Chairman may at any time convene a special meeting of the governing body.

(3) Any 2 of the governors may, for any cause which seems to them sufficient, require a special meeting to be convened by giving notice in writing to the clerk of the governing body specifying the business to be transacted.

(4) At least 4 days notice of meetings shall be given and such notice, which shall be in writing, shall specify the date, time and place of the meeting and the business to be transacted:

Provided that the Chairman or the Vice-Chairman or any governor duly authorised by the Chairman may convene a meeting on less than 4 days notice but no resolution or motion carried at that meeting shall be valid unless not less than two-thirds of the governors have voted in favour of it or unless it is confirmed at any subsequent meeting held after an interval of not less than 7 days on the usual notice being given.

Quorum

17.—(1) At all meetings of the governing body 3 governors shall be a quorum and, subject to the proviso to section 16(4), all questions shall be determined by a majority of the governors present. The chairman of any meeting shall, in any case where there is an equality of votes, have a second or casting vote in addition to a deliberative vote.

(2) If at any time appointed for a meeting or if before the business of any meeting has been completed the number of governors present is less than 3, the governors present shall adjourn the meeting to such day or time as they may determine and the proviso to section 16(4) shall apply to any adjourned meeting.

Minute book

18. A minute book shall be kept by the governing body and minutes of all proceedings shall be entered therein, including resolutions authorising the execution of all writings or deeds on their behalf.

Security measures

19. The governing body may make such arrangements as they consider adequate for the safe custody of all deeds and other documents belonging to the governing body, for the banking of money belonging to the governing body and for the signing of cheques.

Rules

20. The governing body may make such rules as they think fit for the exercise of their functions under this scheme, provided that any such rules shall not be inconsistent with the provisions of this scheme.

PART IV

VESTING AND FINANCIAL ARRANGEMENTS

Vesting of endowment

21. From and after the date of this scheme, the whole property heritable and moveable at present vested in the governing body in office at the date of this scheme shall be and is hereby transferred to and vested in the governing body without the necessity of any instrument or conveyance and shall be held and administered by the governing body exclusively in accordance with the provisions of this scheme.

Payments to governing body

22. The Town Council of St. Andrews as governing body of the Bell Fund (St. Andrews) Trust shall continue to pay over each year the sum of £60 to the governing body to be used by them in accordance with the provisions of this scheme.

Additional donations

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

Application of income

24.—(1) The governing body, after paying all the necessary expenses of management and other outgoings affecting the Trust, shall in each financial year apply as nearly as possible the whole of the free income of the Trust, including any balance carried forward from a previous financial year under subsection (2) of this section, in executing the purposes of this scheme.

(2) If at the end of any financial year there is an unexpended balance of income the governing body shall carry the said balance or part thereof to the following financial year or shall add the said balance or part thereof to the capital of the endowment.

PART V

PRINCIPAL EDUCATIONAL PURPOSES OF THE TRUST

Prizes

25. The governing body shall apply each year such sum as is necessary to provide the Madras Medal, the Tullis Prize and the Sir William Robertson Prize on conditions similar to those at present obtaining.

Grants to Madras College

26. The governing body may apply each year such sum as they may consider expedient in awarding grants to Madras College to—

- (a) enable pupils to travel or study in the United Kingdom or abroad ;
- (b) to defray or assist to defray the expenses of organised educational excursions ; and
- (c) to extend and improve the facilities relating to the Library, sports, arts, music and other cultural activities.

University bursaries

27.—(1) The governing body may award bursaries to persons who are former pupils of Madras College and who are about to enter or who are in attendance at the University of St. Andrews, the University of Dundee, or any other University approved for this purpose by the governing body.

(2) The bursaries shall be of such annual value and shall be tenable for such number of years as the governing body may determine.

(3) In awarding the bursaries the governing body shall give preference at any time during the twenty years immediately following the date of this scheme to any relation in blood of Dr. Andrew Bell, the Founder of Madras College, who makes timeous application whether or not the said relation is a former pupil of Madras College. Any such preference shall be restricted to the award of one bursary in each year which shall be tenable only at the University of St. Andrews.

(4) Before awarding a bursary, the governing body shall satisfy themselves that each candidate is of sufficient attainment to merit an award. If no candidate satisfies the governing body as to his attainments the governing body may award the bursaries to persons, not being former pupils of Madras College, of sufficient merit who are resident in the County of Fife.

Post-graduate bursaries

28.—(1) The governing body may award bursaries to graduates of the University of St. Andrews, the University of Dundee, or any other University approved for this purpose by the governing body, who are former pupils of Madras College, to enable them to take a further University degree or to carry out advanced study or research in any field at the University of St. Andrews or such other educational institution as may be approved by the governing body.

(2) The bursaries shall be of such annual value and shall be tenable for such number of years as the governing body may determine.

Educational travel grants

29. The governing body may award grants to students at and graduates of the University of St. Andrews, the University of Dundee, or any other University approved for this purpose by the governing body, who are former pupils of Madras College and who in the opinion of the governing body require aid to travel or study in the United Kingdom or abroad. The amount paid to each person shall be at the discretion of the governing body.

Limitation of value of awards

30. The amount of any bursary awarded under this scheme to a person who holds, or is to hold, a scholarship or other allowance which is paid out of moneys provided by Parliament or out of any fund aided by grants from Parliament shall not be such as will cause the said scholarship or allowance to be reduced.

Termination of awards

31. The governing body shall require the holder of any bursary awarded under this scheme to satisfy them that he is making satisfactory progress in his course of study and if in their opinion any such holder shall be guilty of serious misconduct or shall fail to make reasonable progress the governing body may terminate the bursary or suspend the holder from the benefits thereof for such periods as they may think fit and their determination in such case shall be final.

PART VI

MISCELLANEOUS AND GENERAL PROVISIONS

Continuation of benefits

32. The governing body may permit any person who at the date of this scheme is a beneficiary under any of the endowments to which this scheme relates to continue to enjoy the benefit thereof subject always however to the conditions under which it was awarded.

Copies of scheme

33. The governing body shall maintain a supply of printed copies of this scheme and shall cause a copy to be kept available for inspection by every member and officer of the governing body and copies shall be available for sale to the public at a reasonable price.

Framed by the Secretary of State in terms of section 125(5) of the Education (Scotland) Act 1962.

Ian M. Wilson.

14th May, 1968.

Assistant Secretary.