

**ANGUS COUNCIL**  
**EDUCATION COMMITTEE**  
**REPORT BY THE DIRECTOR OF LAW AND ADMINISTRATION**  
**THE DALE SCHOOL TRUST**

**ABSTRACT**

The Trustees of the Dale School Trust have requested the Council to vary the terms of the Trust as the Trust receives too few requests for assistance from those presently qualified to apply to disburse all the funds available to it. The proposed variation will increase the number of potential beneficiaries and is supported by the Director of Education.

**1. RECOMMENDATIONS**

It is recommended that the Committee:-

- 1 approves the Trustees' request that the Council undertakes the reorganisation of the Dale School Trust.
- 2 approves the draft revised Scheme and draft Explanatory Memorandum annexed to the Report.
- 3 authorises me to publicise and circulate the draft Scheme.
- 4 notes that I will report back in due course with the results of such participation and consultation.

**2. INTRODUCTION**

Section 105 of the Education (Scotland) Act 1980 empowers the Education Authority for the area in which the beneficiaries of an educational endowment are required under its governing instrument to reside or with which they are required to have some other connection to reorganise the Scheme in accordance with which the endowment is held and administered, if it thinks fit.

In reorganising the Scheme the Education Authority may:-

- (a) alter the purposes to which the endowment is applied or applicable and the conditions and provisions of its application;
- (b) provide for the application of the capital or income of the endowment to such educational purposes, mental or physical, moral or social as the Authority thinks fit having regard to the public interest and to existing social and educational conditions.

**3. BACKGROUND**

The Dale School Trust was constituted on 9 February 1852 under the name of the Arbroath Industrial School Society. The Trust Scheme was amended by the Court of Session on 23 September 1984. Under the 1984 Scheme, the Trustees have a duty to use the whole annual income of the Trust Estate for making grants lasting for one year only to children under 18 years of age who attend educational establishments in the parishes of Arbroath and St Vigeans to enable such children to enjoy educational opportunities which would, in the opinion of the Trustees, benefit such children but which the parents/guardians of such children cannot in the opinion of the Trustees reasonably afford.

Advertisements have been placed regularly each year in the local press and circulars have been sent from time to time to the headteachers of primary and secondary schools in Arbroath advising and reminding them of the availability of funds from the Trust. Generally speaking the response to the advertisements and circulars has been disappointing and the Trustees have not been able to disburse the whole annual income available to them in six of the last seven years. Over this period, however, there have been some applications to the Trust from persons over the age of 18 or from outwith the two parishes which have had to be rejected because of the provisions of the Scheme.

The Trustees have resolved that the terms of the existing Scheme should be altered to permit payments "for the benefit of young persons under the age of 25 years at the date on which such grant is made who preferably reside ordinarily within the parishes of Arbroath and St Vigeans as presently constituted or failing such applicants or to the extent that such applicants do not absorb available funds then to those who ordinarily reside within 12 miles of Arbroath Abbey to enable such young persons to enjoy opportunities of a broadly educational type whether physical, academic or artistic which would, in the opinion of the Trustees benefit such young persons but which such young persons cannot, in the opinion of the Trustees, reasonably afford or which the parents or guardians of such young persons cannot, in the opinion of the Trustees, reasonably afford".

The Trustees have therefore approached the Director of Education requesting that the Council reorganise the Scheme in accordance with that resolution. The endowments which are held and administered in accordance with the 1984 Scheme are "educational endowments" for the purposes of the Education (Scotland) Act 1980 and as the beneficiaries of the Scheme are required to be ordinarily resident in Arbroath the Council are empowered by the 1980 Act to reorganise the Scheme, if they think fit. The Director of Education supports the Trustees' request.

#### 4. FUTURE ACTION

If the Committee approve the draft Scheme the Council must then:-

- (a) send copies of the draft Scheme to the Trustees of the Trust;
- (b) give notice of the draft Scheme by way of an advertisement in a newspaper circulating within Arbroath. This notice must state that written objections to and proposed amendments of the Scheme may be made in writing to the Council not later than the expiry of the period of one month from the first newspaper notice and the places and times at which the draft Scheme may be examined;
- (c) cause the draft Scheme to be published in such other manner, if any, as they think fit; and
- (d) permit public inspection of the draft Scheme at such places and during such times as may be specified in the newspaper notice.

When publicising the draft Scheme, the Council must prefix it with a memorandum setting out:-

- (a) the reasons why, in their view, the reorganisation of the endowments is necessary;
- (b) the respects in which the draft Scheme involves any substantial alteration of the purposes to which the endowments are applied or applicable; and
- (c) the reasons for any such alterations.

The Trustees of the Trust or any other person interested in the Scheme may, not later than the expiry of the period of one month from the first newspaper notice, send written objections to the draft Scheme or proposed amendments thereto, or both, to the Council.

#### 5. FINANCIAL IMPLICATIONS

All costs incurred in publicising the draft Scheme are to be paid out of the funds of the Trust.

**6. CONSULTATION**

The Chief Executive, the Director of Education and the Director of Finance have been consulted in the preparation of this Report.

**7. CONCLUSION**

The Director of Education considers that it would be appropriate for the Council to reorganise the Dale School Trust.

CATHERINE A COULL  
Director of Law and Administration

**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

## EXPLANATORY MEMORANDUM

### THE DALE SCHOOL TRUST

#### 1. PRESENT CONSTITUTION OF THE TRUST

The Trust was constituted on 9 February 1852 under the name of the Arbroath Industrial School Society and was amended by the Court of Session on 25 September 1984.

#### 2. PRESENT PURPOSE OF THE TRUST

Under the 1984 Scheme, the Trustees have a duty to use the whole annual income of the Trust Estate for making grants lasting for one year only to children under 18 years of age who attend educational establishments in the parishes of Arbroath and St Vigeans to enable such children to enjoy educational opportunities which would in the opinion of the Trustees benefit such children but which the parents/guardians of such children cannot, in the opinion of the Trustees, reasonably afford.

#### 3. CURRENT DIFFICULTIES

Advertisements have been placed regularly each year in the local press and circulars have been sent from time to time to the headteachers of primary and secondary schools in Arbroath advising and reminding them of the availability of funds from the Trust. Generally speaking the response to the advertisements and circulars has been disappointing and the Trustees have not been able to disburse the whole annual income available to them in six of the last seven years. Over this period, however, there have been some applications to the Trust from persons over the age of 18 or from outwith the two parishes which have had to be rejected because of the provisions of the Scheme.

#### 4. PROPOSED CHANGE

The Trustees have resolved that the terms of the existing Scheme should be altered to permit payments "for the benefit of young persons under the age of 25 years at the date on which such grant is made who preferably reside ordinarily within the parishes of Arbroath and St Vigeans as presently constituted or failing such applicants or to the extent that such applicants do not absorb available funds then to those who ordinarily reside within 12 miles of Arbroath Abbey to enable such young persons to enjoy opportunities of a broadly educational type whether physical, academic or artistic which would, in the opinion of the Trustees benefit such young persons but which such young persons cannot, in the opinion of the Trustees, reasonably afford or which the parents or guardians of such young persons cannot, in the opinion of the Trustees, reasonably afford."

The Trustees have therefore approached the Angus Council requesting that the Council reorganise the Scheme in accordance with that resolution. The endowments which are held and administered in accordance with the 1984 Scheme are "educational endowments" for the purposes of the Education (Scotland) Act 1980 and as the beneficiaries of the Scheme are required to be ordinarily resident in Arbroath the Council are empowered by the Education (Scotland) Act 1980 to reorganise the Scheme. They have agreed to do so and a draft revised Scheme is enclosed.