

ANGUS COUNCIL 2001

EDUCATION COMMITTEE 20 NOVEMBER 2001

DALE SCHOOL TRUST

REPORT BY THE DIRECTOR OF LAW AND ADMINISTRATION

ABSTRACT

Following the publication of the proposed re-organisation of the Dale School Trust as approved by Committee on 21 August 2001 (Article 5 of Minutes refers) the Committee are now asked to resolve to make the Scheme and to authorise the signing of the re-organisation Scheme by the Director of Law & Administration.

1. RECOMMENDATIONS

It is recommended that the Committee :-

- (a) makes the Scheme in terms of the draft Scheme already circulated.
- (b) authorises the Director Of Law and Administration to sign the Scheme on behalf of Angus Council;

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 to reside or with which they are required to have some other connection, to re-organise an existing Scheme which details how the Endowment is administered.

Having recently exhausted the accumulated revenue surplus out of which awards are made, the Trustees of the Dale School Trust approached the Director of Education requesting that the Council amend the existing scheme to allow awards to be paid out of the capital and also to allow donations, legacies etc. to be received and to be applied in accordance with the purposes of the Trust. (See Report No. 910/01.)

3 CURRENT POSITION

At its meeting on 21 August 2001 the Education Committee approved the Trustees' request that the Council undertake the re-organisation of the Trust and authorised the Director of Law and Administration to publicise and circulate the draft Scheme of re-organisation (Article 5 of the Minutes of that Meeting refer).

The proposed re-organisation of the Scheme was advertised on 28 September 2001, as required by Section 112 (1A) of the Education (Scotland) Act 1980, giving members of the public one month in which to object or to suggest amendments to the proposal by writing to the Director of Law and Administration. No objections or amendments were received within the time limit

Under section 112 (2) of the 1980 Act, the Education Authority may now resolve to authorise the proper officer to sign the Scheme on its behalf, make the Scheme in terms of the draft Scheme and in so doing, notify the date of commencement of the Scheme to the governing body of the endowment.

4. FUTURE ACTION

If the Committee approve the recommendations then a principal copy of the Scheme will be prepared. It will be signed by the Director of Law and Administration. This will bring the new Scheme into effect. The governing body of the Trust will be informed of the making of the Scheme and the date of commencement.

5. FINANCIAL IMPLICATIONS

Section 117 of the 1980 Act requires all the costs/expenses incurred in the making of a re-organisation Scheme to be met out of the Funds of the Trust.

6. HUMAN RIGHTS IMPLICATIONS

There are no human rights implications arising from the terms of this Report.

7. CONSULTATION

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

8. CONCLUSION

With reference to Article 5 of the Minute of the Education Committee of 21 August 2001, it would now be appropriate for the committee to resolve to authorise the Director of Law and Administration to sign the Scheme and to make the Scheme.

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 a material extent in preparing the above Report.