1982 No. 435

QUEEN'S UNIVERSITY

Queen's University (Trust Scheme) Order (Northern Ireland) 1982

Made	*23rd December 1982*
Coming into operation . . .	*23rd December 1982*

In exercise of the powers conferred by Section 2 of the Queen's University of Belfast (Trusts) Act (Northern Ireland) 1952(**a**) now vested in me(**b**) and of all other powers enabling me in that behalf, I hereby make the following Order:—

Citation and commencement

1. The Order may be cited as the Queen's University (Trust Scheme) Order (Northern Ireland) 1982 and shall come into operation on 23rd December 1982.

Approval of Scheme

2. The Scheme made by the Queen's University of Belfast on 14th October 1982 under Section 1 of the Queen's University of Belfast (Trusts) Act (Northern Ireland) 1952(**a**) and set out in the Schedule is hereby approved and shall come into operation on 23rd December 1982.

Revocation

3. The Queen's University of Belfast (Trusts Scheme) Order (Northern Ireland) 1955(**c**) and the Queen's University Trusts (Amendment) Order (Northern Ireland) 1968(**d**) are hereby revoked.

James Prior
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
23rd December 1982

(**a**) 1952 c. 22 (N.I.)
(**b**) By the Northern Ireland Constitution Act 1973 (c. 36) Schedule 5 para. 4(2)
(**c**) S.R. & O. (N.I.) 1955 No. 30 (p. 467)
(**d**) S.R. & O. (N.I.) 1968 No. 30

SCHEDULE

THE QUEEN'S UNIVERSITY OF BELFAST

Scheme under the Queen's University of Belfast (Trusts) Act (Northern Ireland) 1952 for administering certain Trust Funds of the University.

1. This Scheme shall be in substitution for the Scheme set out in the Schedule to the Queen's University of Belfast (Trusts Scheme) Order (Northern Ireland) 1955 as amended by the Scheme set out in the Schedule to the Queen's University (Trusts) Order (Northern Ireland) 1968 which Schemes are hereby revoked.

Application of Scheme

2. This Scheme applies to the several Funds held in the corporate name of the Queen's University of Belfast (hereinafter referred to as "the University") in respect of the Trusts specified in the Schedule hereto (which Trusts were comprised in the Schemes hereinbefore revoked) and to such Trust Funds administered by the University or by other Trustees for purposes connected with the University as may at any future time become subject to this Scheme.

Formation of Investment Fund and allotment of Shares

3—(1) All the Trust Funds shall be incorporated in and administered as a single fund (hereinafter referred to as "the Investment Fund") in the following manner:

> each Trust Fund specified in the Schedule hereto shall be allotted one share in the Investment Fund for each share it had in the Investment Fund in the schemes hereby revoked.

Upon the acceptance by the University of any new Trust Fund or upon further contributions being made in respect of any Trust Fund already in the Scheme contributions to the Investment Fund other than cash shall be valued and the number of shares to be allotted in respect of contributions whether or not of cash shall be calculated on the basis of the proportion which the value of the contributions bears to the value of the entire Investment Fund calculated under the provisions of Article 9 hereof as at the valuation date immediately preceding the date upon which the contributions are paid to the Investment Fund.

(2) Any odd balances or fractions which may remain over after such allotment shall be transferred to the Reserve Fund prescribed in Article 5.

(3) Shares in the Investment Fund may be acquired or disposed of by Trustees of Trust Funds subject to this Scheme on the first days of February, May, August and November in any year on the basis of the valuation made on the previous day under Article 9 hereof.

Allocation of the Income of the Investment Fund

4. As from the date upon which this Scheme comes into operation the net income of the Investment Fund in each year ending on the last day of February, including the income of any Reserve Fund created under Article 5 hereof, after deducting any sum reserved under the said Article 5, shall be allotted and distributed among the Trust Funds subject to this Scheme in proportion to the shares in the Investment Fund for the time being belonging to such Trust Funds respectively.

Provision of Reserve

5. Before making any allocation of income to each Trust in accordance with Article 4 a portion not exceeding 10 per cent. of the income of the Investment Fund then available for distribution may be set aside to form a Reserve Fund (hereinafter referred to as "the Reserve Fund") which Reserve Fund may be used at the discretion of the Finance Committee of the University (hereinafter referred to as "the Finance Committee") for the purpose of supplementing the income of the Investment Fund in any subsequent year or years provided that at any time at which the value of the Reserve Fund exceeds 4 per cent. of the aggregate value of the Investment Fund no further income shall be set aside to be added to the Reserve Fund. Subject to foreseeable cash requirements from the Reserve Fund, the balance of cash to credit from time to time may be invested in accordance with the provisions of Article 8 and the income arising therefrom shall be credited to the Investment Fund and distributed in accordance with Article 4.

Investment Committee

6. An Investment Committee (hereinafter so called) shall be appointed by the Finance Committee and shall consist of not more than 7 persons experienced in finance and investment, a majority of whom shall be members of the Finance Committee, and its functions and duties shall be:—

(*a*) to advise the Finance Committee upon the investment, sale or reinvestment of any of the funds comprised in the Investment Fund and of any other fund or moneys which shall at any time be or become subject to this Scheme;

(*b*) in accordance with any authority from time to time conferred on it by the Finance Committee to buy, sell or otherwise deal with stocks, shares and securities of all kinds including real property or any interest therein for and on behalf of the University for the Investment Fund.

Power of Finance Committee

7. The Finance Committee may from time to time and upon such terms as it thinks fit authorise the Investment Committee on behalf of the University to buy, sell or otherwise deal with stocks, shares and securities of all kinds including real property or any interest therein for the Investment Fund.

Investment Powers

8. The Investment Fund or any parts thereof shall be invested in any investments whether or not being investments authorised by the general law for the investment of trust funds, or upon loan upon the security of any property of any description or without security.

Provision for Valuation

9. The whole of the assets of the Investment Fund (including any Reserve Fund, created under Article 5 hereof) shall be valued on the date upon which this Scheme comes into operation and thereafter on 31st January, 30th April, 31st July and 31st October, in each year and the total value shall be divided by the number of shares in issue at the same date, and the value of each share thus determined shall be recorded. Such valuation shall be made in the following manner:—

(i) as to securities (in the case of quoted securities at the mid-market price) on that day or if that day is a Saturday or Sunday or a holiday, on the last previous working day;

(ii) as to mortgages and other loans at their face value; and

(iii) as to real property (including rent charges secured on land and interest in land) at the value thereof as at 31st July 1982 and thereafter on 31st July in every subsequent fifth year in accordance with a valuation obtained from a Chartered Surveyor or a firm of Chartered Surveyors. The Surveyor or firm of Surveyors shall also review the value of each property in the course of each year between the quinquennial valuations and shall report to the Investment Committee any substantial variation, and the said Committee shall give effect if they think fit to such variation on the occasion of the next quarterly valuation of the Investment Fund. On the occasion of each quarterly valuation, account shall be taken of additions to and reductions in such property since the last valuation.

Accounts

10. The University shall keep accounts of the assets and liabilities of the Investment Fund and of its income and expenditure and shall cause such accounts to be audited by a Chartered Accountant or Certified Accountant appointed by the University for the purpose at the end of each financial year.

Realisation or Advance of Capital for Individual Trust

11.—(*a*) Where under the terms of any Trust capital is authorised to be realised or advanced for any purpose a realisation may be affected or an advance of capital made for such purpose in the manner prescribed in paragraph (*b*) of this Article, up to an amount not exceeding the value of the shares of that Trust in the Investment Fund.

(*b*) For the purpose of such realisation or advance of capital, cash may be paid or advanced to the particular Trust, either from cash realised by the sale or redemption of investments comprised in the Investment Fund or from cash transferred by another Trust Fund to the

Investment Fund on the issue of shares, whereupon shares of an equivalent value (calculated at the last recorded value of such shares) held by that Trust in the Investment Fund shall be cancelled.

Investment of Surplus Income of any Trust Fund

12. If any Trust Fund shall at any time have to its credit accumulated income which shall be surplus to its foreseeable requirements the same or part thereof may be transferred to the Investment Fund and invested and thereupon there shall be allotted to that Trust Fund shares in the Investment Fund in accordance with and subject to the provisions of Article 3 hereof.

Reimbursement of Expenses

13. Whenever the University shall have made any payment to any Solicitor, Banker, Stockbroker, Surveyor, Accountant or other professional person in respect of any services rendered or business transacted in the administration of this Scheme or in connection with any particular Trust comprised in this Scheme the University may recover the amount of such payments as follows:—

(i) Where the payment shall have been made in respect of the general administration of this Scheme the amount of the payment shall be recovered rateably from the Trust Funds comprised in the Scheme according to the number of shares held by each Trust in the Investment Fund.

(ii) Where the payment shall have been made in respect of the administration of a particular Trust comprised in this Scheme the amount shall be recovered from the funds of that Trust.

Power of Trustees to transfer Property

14. The Trustees of any trust to which this Scheme applies which is not administered by the University may transfer to the University all the property comprised in the trust and such property shall be administered as part of the Investment Fund.

Extension of Scheme to other Trusts

15. This Scheme may by resolution of Finance Committee be extended to trusts administered by or for purposes connected with the University, being trusts created after the coming into operation of this Scheme or excluded from this Scheme for other reasons, unless the terms of the trust expressly provide to the contrary or, in the case of trusts not administered by the University the consent of the trustees is withheld.