

**JOHN MACKINTOSH WILL (VARIATION OF TRUSTS) ACT**

**Principal Act**

**Act. No. 1967-08**

*Commencement* 23.6.1967

*Assent* 22.6.1967

Amending  
enactments

Relevant current  
provisions

Commencement  
date

None

English sources

None cited

**1967-08**

**John Mackintosh Will (Variation of Trusts)**

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**JOHN MACKINTOSH WILL (VARIATION  
OF TRUSTS) ACT.**

**ARRANGEMENT OF SECTIONS.**

Section

1. Short title.
2. Variation of terms of the will and indemnity for trustees.

**SCHEDULE.**

Clause 22(b) of the Will of John Mackintosh.

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AN ACT TO VARY CERTAIN PROVISIONS CONTAINED IN THE  
WILL OF THE LATE JOHN MACKINTOSH.

WHEREAS by a will dated the 6th day of March, 1938 (hereinafter referred to as “the will”) John Mackintosh made provision in the nature of a public trust as set out in the Schedule to this Act for the advancement of education in Gibraltar;

AND WHEREAS the said John Mackintosh died on the 28th day of February, 1940;

AND WHEREAS the will was proved before the Supreme Court on the 1st day of April, 1940;

AND WHEREAS it is expedient that the provision aforesaid should be varied to the extent hereinafter appearing:

**Short title.**

1. This Act may be cited as the John Mackintosh Will (Variation of Trusts) Act.

**Variation of terms of the will and indemnity for trustees.**

2. Notwithstanding anything contained in clause 22(b) of the will as set out in the Schedule, in discharging the duty imposed upon the trustees of the fund in relation to the provision of scholarships to enable boys or girls from Gibraltar to attend schools in England the trustees shall have power to act and shall be deemed always to have had power to act as if the reference to schools in England included reference to universities, colleges of higher education or similar institutions of higher education in England and no act or thing heretofore done by any trustee or other person under the direction of such trustee shall, if the act or thing was done bona fide in the purported

exercise of the extended power conferred by this section, subject him personally to any liability, action, claim or demand whatsoever in respect thereof.

**SCHEDULE.**

Section 2.

CLAUSE 22 (b) OF THE WILL OF JOHN MACKINTOSH.

MY TRUSTEES shall appropriate out of the balance of my residuary estate remaining after the appropriation of the fund mentioned in paragraph (a) of this Clause a fund of such value as my Trustees in their absolute and uncontrolled discretion consider expedient and shall vest the same in the names or under the legal control of such trustees as my Trustees in consultation with the Governor and Council for the time being of Gibraltar shall select to the intent that the fund so appropriated and the income thereof may be used in perpetuity for educational purposes for the benefit of children whose parents are resident in Gibraltar and in particular for the purpose of promoting the teaching in Gibraltar of the English language and of English history and literature and generally to promote and strengthen so far as practicable by educational means the ties between England and Gibraltar AND I DECLARE that it is my desire that such fund shall be applied and administered entirely on an undenominational basis and that the means by which the foregoing objects may be accomplished shall be left to the free discretion of the trustees for the time being of the said fund except that the purposes to which the fund is applied shall include the provision of at least six scholarships of a value of not less than two hundred pounds per annum each to be held by boys or girls resident in and attending any of the schools in (sic) Gibraltar (preferably the Public Elementary Schools) for such schools in England as the said Trustees shall select.

