

Creelers Cottage,  
Lochgoilhead.  
PA24 8AJ.  
18/09/2020.

Reference: Lochgoilhead Jetty Trust.

Dear Local Residents of Lochgoilhead and Carrick,

Over the past few months I have been in correspondence with the Lochgoilhead Jetty Trust regarding their plans for the replacement jetty/pontoon. I thought it would be useful to share this with you and allow you to review the content. If you feel motivated to pass comment then you can email these to me at [gtpoll@icloud.com](mailto:gtpoll@icloud.com) and if there are enough I shall compile a report, please also cc in the Jetty Trust. Please keep any remarks constructive and respectful. Many thanks.

Gary Pollock  
Creelers Cottage.

There are a total of 9 numbered documents, which I detail below;

1. The original article in the e-version of the Wee Goil of May 20<sup>th</sup> entitled "Jetty Trust Update".
2. My letter to the LJT dated 11<sup>th</sup> June.
3. The response of the LJT to my letter marked 2.
4. My second letter to the LJT dated 22<sup>nd</sup> June.
5. The response from the LJT to my letter marked 4.
6. An email from myself to the LJT dated 8<sup>th</sup> July.
7. The response of the LJT to my email marked 6.
8. My letter to Argyll and Bute Planning Department dated 4<sup>th</sup> August. This also details their response and the subsequent response from Loch Lomond & The Trossachs National Park.
9. A duplicate of letter marked 8 sent to Bidwells on 4<sup>th</sup> August to which, I am still waiting a response.

## JETTY TRUST UPDATE

The Jetty Trust are working in the background during the Covid-19 lockdown. We have been very pleased with the positive comments and feedback from the community our project has received over the last year. Funding for the replacement Jetty project has been difficult during the last two years. Several funding applications to major players were unsuccessful and we have been informed recently one funder has withdrawn their offer, although this can be re-applied for in the future.

Due to this, the Trust has worked hard at raising their own funds. With the generosity of the Lochgoilhead community supporting our events, collection boxes in local outlets and donations from local residents and organisations, we have managed to raise in excess of £10,000, hopefully, you will agree this is quite a feat and we must thank you all for your continued support.

Our original vision of a brand new pontoon to replace our existing one appears to be out-with our funding capabilities. However, we have sourced pontoons that can be re-furbished to suit our needs. These pontoons are of the same design as the new units and once re-furbished will be perfectly serviceable for our requirements. The units are interchangeable and can be added to if required. Not only are these re-furbished

units more within our budget, the VAT element of second hand units versus new units is a huge difference, VAT being a major cost in any new purchase.

In addition to this saving of buying refurbished, we as a Trust and community will be keeping materials out of landfill and create less pollution, making our project more environmentally friendly. Currently, this is a very important message to project to the wider community and our financial backers. We must ask ourselves do we



*Tayvallich Jetty - this is what to expect  
Lochgoilhead's new marine facilities will look*

need a brand new pontoon when a pre owned refurbished unit at lower cost would suffice.

Once the lockdown is over, we will be contacting our proposed suppliers in Rothesay to further discuss our project and way forward. As usual, the Jetty Trust will keep you informed of our progress through the pages of the Wee Goil.

*Ian Graham*

(2)

Creelers Cottage,

Lochgoilhead.

PA24 8AJ.

11<sup>th</sup> June 2020.

The Jetty Trust,

C/O Camlachie,

Drimsynie Drive,

Lochgoilhead.

PA24 8AD.

Dear Chairman,

I hope this letter finds you all well. I am writing to you principally because of reading your article in the e-version of the Wee Goil dated 20<sup>th</sup> May 2020, entitled, "Jetty Trust Update". In February 2020, I raised a question at the meeting of the Lochgoil Community Council relating to proposals for the new jetty/pontoon. This was following an update at that meeting by the Chairman of the Jetty Trust, Tom Murray that the Jetty Trust was proposing to replace the current pontoon with a second hand one. As you are aware, from my property at Creelers Cottage I have direct line of sight of the jetty. I therefore have a stake in what any new jetty/pontoon looks like, and how it is likely to be used. Having read the article I am concerned that the Jetty Trust are aiming for a "make do" solution rather than one that reflects the aspirations, of not just boat owners but those who live in Lochgoilhead and in particular those that have direct line of sight of the jetty/pontoon.

The Wee Goil article states, "We have been very pleased with the positive comments and feedback from the community our project has received over the last year". As a replacement jetty/pontoon is the 3<sup>rd</sup> most important priority according to the Lochgoil Community Action Plan 2018 – 2023, this positivity is to be expected. What the article does not make clear, nor do the Jetty Trust make clear on their website are the details of their project. I have not seen, other than a passing reference in the

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Wee Goil article, a project Plan that will allow residents to assess the acceptability of any proposals. Rather than just a very few individuals on the Jetty Trust, in my opinion, taking it upon themselves to impose their views upon the village. It may be that I have missed any such presentation of your Project, if so, then I apologise for my lapse. If so, could you forward a copy of the Project so that I might better understand what is proposed? However, to date I have not been asked for my views on what should replace the current jetty/pontoon.

Are the Jetty Trust intending to produce a business plan and consult with, not just boat owners, but also the residents? If not what are the steps, the Jetty Trust must take to obtain permission to complete their Project. My concern centres on the fact that those taking the lead in this Project, THREE NAMES REDACTED do not have direct line of sight of the jetty and as such, there is a risk that the Jetty Trust will take an "out of sight, out of mind" approach that will result in an inferior facility. It is not my intention to "be difficult"; regarding the Jetty Project but thus far there does seem to be a dearth of information relating to it in the public domain. I think you would accept that it is only prudent of those living opposite the jetty that they desire to know what plans there are for it. I imagine that if the jetty were located outside of any of your properties you would be asking similar questions of those responsible for delivering the project. The photograph, in the Wee Goil article, of a pontoon in another geographical location, may give readers a little insight into what might be expected. Nevertheless, it is no substitute for a detailed plan. One that residents can use to provide constructive feedback.

The Community Action Plan thus far has, been an excellent document that allows an approach to community development that reflects the wishes of the residents. Will this document inform the Jetty Trust as they develop their Project and if not, why not? The Community Action Plan reflects the aspirations of local residents and consultation with them is an important component of it. At page 15 of that document under the heading, "Promote the safe use of Loch Goil for recreation and tourism". The first point under this heading states, "Produce a plan for water access as a major economic and social asset for the community, including the development of piers, jetties and slipways". In my view, it is incumbent upon the Jetty Trust to use these aspirations as the corner stone to their Project. This same section of the Community Action Plan also states, "provide facilities on land such as showers, drying

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facilities, etc., which will encourage sailors to come ashore". Will your plan, albeit in the future, incorporate such developments?

The article in the Wee Goil refers to funding, stating, "funding for the replacement Jetty project has been difficult during the last two years" and "...we have been informed recently one funder has withdrawn their offer" and "Due to this, the Trust has worked hard at raising their own funds". What the article does not allude to is the reason why funding was withdrawn. Is it because the Jetty Trust did not have a formal Project Plan in place? I have read the minutes of the Lochgoil Community Council and the Lochgoil Community Trust. I infer from them that monies may have been available because of the Hydro Scheme. The funds raised so far by the Jetty Trust are impressive but why have they not made use of this additional source of funding that may have facilitated the progress of their Project? Again, the article states, "Our vision of a brand new pontoon to replace our existing one appears to be out-with our funding capabilities". How can this be the case when potential funds have not been applied for, I am specifically referring to the Hydro Scheme.

The Wee Goil article also states, "Not only are these refurbished units more within our budget..." and "keeping materials out of landfill and create less pollution, making our Project more environmentally friendly". While I am hugely supportive of recycling, I believe these remarks are a red herring. They distract the reader from the fact that the Jetty Trust have decided, without consultation of the local residents to settle for a solution that falls short of the aspirations of those residents, as expressed in the Community Action Plan. From an outsiders perspective it would appear that the Jetty Trust has lost its way with the Jetty Project and has decided to lower its sights on the delivery of it. Resulting in what has the potential to be a Project that falls short of the aspirations of residents and sailors, that is, a vibrant and productive use of the Loch.

As it is the case that the Jetty Trust view the Jetty Project to be, "...out-with our funding capabilities", is it not time for the Jetty Trust to seek guidance from other local organisations in order to maximise their fund raising potential? As an example, I am a member of Cormonachan Community Woodlands Ltd and I am aware of their exceptionally high standard of presentation to potential funders. Their documentation is very explicit as to their aspirations, benefits, costs and liabilities. This organisation

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is of similar size as the Jetty Trust. Is it not the time to ask for their assistance? This would maximise your chances of success in the future. Further, would it not be advantageous for the various Trusts to identify, between them, a cadre of individuals who could receive training in fund raising skills and so collectively act for and on behalf of the residents to deliver Projects that will ultimately enhance village life for all? I understand that different Trusts may apply for monies from the same funding pool but this will not always be the case and the Scottish Charity Regulator (OSCR) on their website state that members should "act in the interests of the charity". If the charity exists to deliver a project that, will be of public benefit then surely, all such Trusts, are obligated to work together for the common benefits of the residents. The OSCR also state, "Charities must put the charities aspirations above personal views". Demonstrating a willingness to co-operate with other Trusts locally will create a high level of trust within the local community that such organisations are acting constructively on their behalf.

In the process of composing this letter, I went onto the website of the Jetty Trust but I could not find any minutes or specific references to the Jetty Project. Would you please advise where on your website, or elsewhere they might be? Would it also be possible to have a copy of your constitution? As this Project is opposite my property, I would be interested in having regular detailed updates about its progress. Would becoming a member of the Jetty Trust or applying to be a board member be the best way to achieve that? I hope you can understand what has motivated me write this letter and I look forward to your response.

Yours sincerely,

Gary Pollock

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Lochgoilhead Jetty trust

16/06/2020

Dear Gary,

Thank you for your letter.

We are intending to replace the old, rusty, metal box pontoon, that requires pumping out on a regular basis, with a more modern refurbished pontoon.

This replacement pontoon will be of the same layout, and design, of other floating pontoons in the West of Scotland.

The Lochgoilhead Jetty Trust kept the local community informed of our proposed project, and the challenges we faced over the past two years. This information was posted in, the 'Wee Gail', the Post Office window, and the bus stop notice board. There was also verbal communications with local organisations in Lochgoilhead. The majority of the community have backed our project, and we have thanked them for this.

Please find attached our original layout drawing, and the revised layout drawing.

Best regards,

Ian Graham, Lochgoilhead Jetty Trust Secretary.



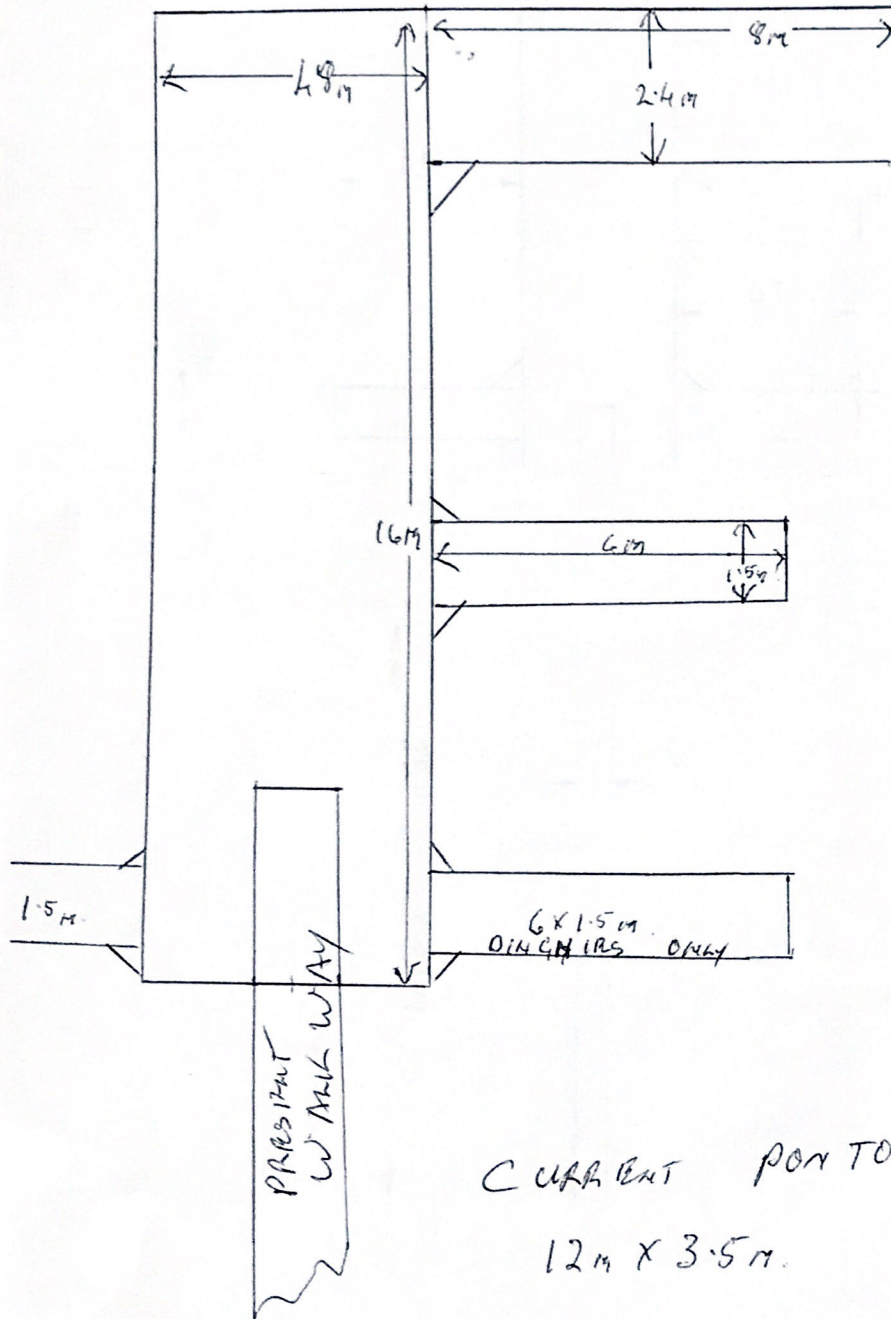
2 messages  
JETTY PLAN



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the new jetty plan.

ranks



CURRENT PONTON

12m X 3.5m



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REVISED LAYOUT

12.2M

4.8M

8M

1

11.1M

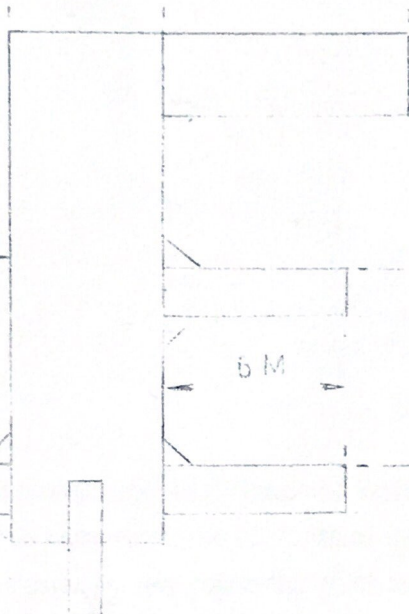
1.5M

6M

6M

2.1M 4.2M 1.5M 4.8M 1.5M

25M LIT SPAN



ORIGINAL LAYOUT

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Creskirk College,

Lochgolhead,

PA24 8AD.

22nd June 2020.

The Jelly Trust

G/G Charleston

Disney's Drive,

Lochgolhead

PA24 8AD.

Dear Chairman,

Thank you very much for the prompt reply to my letter it is much appreciated. In reference to your letter, the first paragraph of your letter states the obvious: the second paragraph does the same. It is these very points that motivated me to write my letter in the first place. The following paragraph of your letter begins, 'The Lochgolhead Jelly Trust kept the local community informed of our proposed project, and the challenges we faced over the past two years'. You mention the Whin Goll, Post Office window and the bus stop notice board. The Jelly Trust at a Jelly Trust meeting, prior to having made public, would have agreed to this information. Would you please direct me to the location where you keep copies of your minutes, particularly those minutes that relate to this information? If no such location exists then please can I request your copies?

As with the information currently on the bus stop notice board, I would like to see it fact informing the local community. However, the bus stop notice board is provided by the Community Action Group (CAG). The CAG is defined as follows, 'a process which involves the participation of the community generally to address the needs of the community'. The bus stop notice board does not include copies of the minutes. The bus stop notice board is written law' (www.bushop.co.uk)



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Creelers Cottage,

Lochgoilhead.

PA24 8AJ.

22nd June 2020.

The Jetty Trust,

C/O Camlachie,

Drimsynie Drive,

Lochgoilhead.

PA24 8AD.

Dear Chairman,

Thank you very much for the prompt reply to my letter it is much appreciated. In reference to your letter, the first paragraph of your letter states the obvious; the second paragraph does the same. It is these very points that motivated me to write my letter in the first place. The following paragraph of your letter begins, "The Lochgoilhead Jetty Trust kept the local community informed of our proposed project, and the challenges we faced over the past two years". You mention the Wee Goil, Post Office window and the bus stop notice board. The Jetty Trust at a Jetty Trust meeting, prior to being made public, would have agreed to this information. Would you please direct me to the location where you keep copies of your minutes, particularly those minutes that relate to this information? If no such location exists then please can I request hard copies?

As with the information currently on the bus stop notice board, I accept that you are in fact informing the local community. However, this falls woefully short of public consultation as promoted by the Community Action Plan (C.A.P). Public consultation can be defined as follows, "a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy but does not include consultation required to be undertaken in order to comply with a written law" (WWW.lawinsider.com). The cost of the Jetty Project

could run into a six-figure sum and have an enormous and positive impact upon the village. Consultation with the community is imperative and the results should be made public. You say in your letter, "There has also been verbal communications with local organisations in Lochgoilhead". How can you possibly expect potential funders to take you seriously when the only information indicating support for your proposals seems to be in your heads alone? Yet again, you fail to disclose pertinent information, who are these organisations, were there any contemporaneous notes made of those conversations and where are those notes kept, in order to demonstrate in an objective way, the support you claim you have.

You continue, "The majority of the community have backed our Project, and we have thanked them for this". This is hearsay as we only have your word for it. Where is your EVIDENCE? When you say "majority", how many do you mean EXACTLY? Where is the following information? Number of people consulted, number of people responding, what were their comments, what was the age break down, the gender breakdown, the number of boat owners versus non-boat owners. It is, with respect, ridiculous to say the "majority of the community backed our project", when you have not published a Project Plan but only a very basic outline and you provide NO EVIDENCE of this support. Have you considered making an application to the Community Trust for funds to undertake an independent survey of local residents in relation to the Jetty Project?

Please show more respect for those who wish to remain updated about the Jetty Project. The purpose of my letters is to give the Jetty Trust the opportunity to assure me, a local resident, that what replaces the current jetty/pontoon meets the preferences of as many local residents as possible. Also for the Jetty Trust to be seen to act in the furtherance of its charitable status, that is, "act in the interests of the charity" and "Charities must put the charities aspirations above personal views" (Office Scottish Charity Regulator OSCR).

Your letter falls woefully short of a response that I would expect from a Director of a Charitable Trust. It fails to acknowledge my concerns and you have not provided adequate information in relation to the following requests that I made in my initial letter,

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- Do you have a formal Project Plan?
- If not, are you intending to produce such a plan?
- Are you intending to undertake a public consultation?
- What permissions must you obtain to replace the current pontoon?
- Does the C.A.P inform the Jetty Trusts actions?
- Does your plan incorporate future planning?
- Why was your previous funding application rejected?
- Why have you not attempted to access Hydro Scheme funds?
- Do you intend to ask for assistance from other local Trusts?
- Where are the minutes of your meetings kept?
- Can I have a copy of the Trusts constitution?
- How can I become a member of the Jetty Trust?
- How can I become a director of the Jetty Trust?

In my original letter, I genuinely believed that the points I made were and still are valid. The Jetty Trust Board must surely comprehend that potential funders will not part with some or all of a six-figure sum based on hearsay alone. The local community need to be seen to be offered the opportunity to participate in the decision making process, irrespective as to whether or not they actually participate in that process. You must also realise that in the absence of a formal business plan the Jetty Project will not maximise its potential. As there will be no mechanism by which to manage proceeds, make future additions, provide for maintenance and upkeep.

As the response to my letter fell short of my expectations, I undertook some research on the OSCR's website. I found the following, "You have the right to the following information under section 23(1) (a) and (b) of the Charities and Trustee Investment (Scotland) Act 2005, from the Charity direct: A copy of the charity's last statement of accounts and a copy of the charity's constitution". I hereby formally request this information.

Yours sincerely,

Gary Pollock

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From: Ian Graham igrham329@aol.com  
Subject: Lochgoilhead Jetty Trust  
Date: 10 Jul 2020 at 10:07:18  
To: gtpoll@icloud.com  
Cc: TOM MURRAY tom.jeanmurray@gmail.com,  
alisonwhite540@btinternet.com

Hi Gary,

The Jetty Trust would like to thank you for your questions. We believe the copy of the trust deed you requested, addresses most of the questions asked.

Best regards,

Ian Graham, Secretary, Lochgoilhead Jetty Trust.

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We, John Leslie Cuthbertson residing at Mingulay, Lochgollhead, Thomas Henry Murray residing at Darrochmhor, Carrick Castle, Lohgollhead, Dr. Robert James Kilpatrick residing at Lochwood House, Lochgollhead, Samuel Tweedlie residing at Scout Centre, Lochgollhead, George Dempster residing at Hightrees, Lochgollhead, Roderick Lindsay Phillips, residing at Hillside Flat, Carrick Castle, Lochgollhead, and Elizabeth Ann Bryce residing at Springburn Villa, Lochgollhead (hereinafter termed "the settlors"), CONSIDERING that we desire to set up a charitable trust to be known as THE LOCHGOILHEAD JETTY TRUST in the terms afterwritten, Do Hereby NOMINATE and APPOINT as trustees for the purposes aftermentioned ourselves the said John Leslie Cuthbertson, Thomas Henry Murray, Dr. Robert James Kilpatrick, Samuel Tweedlie, George Dempster, Roderick Lindsay Phillips, Elizabeth Ann Bryce together with such other person or persons who may be hereafter appointed or assumed and the acceptor or acceptors, survivor or survivors of them as such trustees to a maximum of seven only (the trustee or trustees for the time being acting hereunder being hereinafter referred to as "the trustees ") but declaring that at all times there shall be included among the trustees one person to be nominated from time to time by the Scout Association (which last trustee is hereinafter referred to as " the nominated trustee")



; And I DIRECT the trustees to hold and administer the trust estate as hereinafter described in trust for the following purposes and subject to the following provisions, *videlicet*:-

1. Definitions

In this deed, the following terms, where the context so admits, have the following meanings:-

- (i) "trust estate"



\*2009-10-22-0095\*

means all funds, property and assets of whatsoever nature which may hereafter at any time and from time to time be settled on, or donated, bequeathed, paid, conveyed and made over to, or otherwise acquired by the trustees, and all (if any) accumulated income thereon, and the investments from time to time representing the same, or any part thereof;

(ii) "vesting date"

means 31st. December 2020 or such lawful later date as the trustees may resolve upon by minute of the trustees executed prior to that date;

(iii) The terms "charity" and "charitable"

shall have the meanings assigned to those respective terms in sections 505 and 506 of the Income and Corporation Taxes Act 1988 or any statutory modification or re-enactment thereof for the time being in force (hereinafter referred to as "the sections");

(iv) "charitable institution"

means and includes any corporation, unincorporated association, society, body of persons or the trustees of any trust whose objects in each case are wholly and exclusively charitable provided always that such corporation, association, society, body of persons or trust has been recognised as charitable for tax purposes under the sections;

- (v) The headnotes to each clause or sub-clause are for convenient reference only and shall not affect the terms of this deed.

2. Charitable purposes

The trustees shall hold the trust estate for charitable purposes exclusively.

3. Specific directions as to charitable purposes

For the purpose of implementing the provisions of clause 2 hereof:-

- (i) Until the vesting date, the trustees shall from time to time and at any time in their uncontrolled discretion, but subject always to the discretionary powers conferred on them under sub-clause 3(ii) and clause 6 hereof, pay or apply the capital or the income of the trust estate, in sums of such amount as the trustees in their absolute discretion may decide, in any one or more or all of the following ways, *videlicet:-*

- (a) In constructing and thereafter managing a jetty or slipway with all relative offices at Lochgollhead for the public benefit to provide facilities including disabled access for the residents of and visitors to Lochgollhead. or
- (b) In implementing or assisting to implement any charitable purpose or charitable purposes which the trustees in their uncontrolled discretion may from time to time by minute resolve upon.

- (ii) The trustees shall have power to accumulate the income arising from time to time on the trust estate, or on any separate fund as hereinafter

provided, for the whole period of 21 years from the last date of execution by the settlor of these presents, or for such lesser period or several periods within the said period of 21 years as the trustees may decide, or such other period during which income may lawfully be accumulated all such accumulations of income to be added to and thereafter to form part of the capital of the trust estate;

- (iii) On the vesting date the trustees shall forthwith pay and apply the whole of the trust estate then in their hands to The Committee for Lochgoilhead Hall which failing such charitable institution or charitable institutions as they in their uncontrolled discretion shall select.

4. Prohibition against application of trust estate for purposes other than charitable purposes

If and so long as the sections remain in force, no payment shall be made by the trustees under clauses 2 or 3 hereof, either:-

- (a) to any charitable institution unless at the time such charitable institution is a charity as defined in the sections;
- or
- (b) for any purpose other than a charitable purpose qualifying for exemption from tax under the sections.

5. Amendment

Any of the provisions of this deed other than the provisions of clauses 2, 3 and 4 hereof, and of this clause, may from time to time be amended, altered or modified in any way and new provisions of any kind may be declared in

addition thereto or in substitution therefor by supplemental declaration of trust executed by the trustees; but so that the trustees shall continue to hold the trust estate for charitable purposes only and declaring that this clause shall not authorise any alteration or modification of the provisions of this deed which would operate to effect any change in its main purposes as provided in clauses 2, 3 and 4 hereof.

6. Administrative powers and indemnities

(i) In addition to the statutory and common law powers and immunities of gratuitous trustees in Scotland, and any special powers herein conferred, the trustees shall have the fullest powers of investment, realisation, administration, management and division of the Trust Estate or any part thereof; and, in particular, without prejudice to that generality, the Trustees shall have power:

- (a) To invest or apply the Trust Estate or any part thereof in any way whatsoever in which a man of ordinary prudence would invest or apply his own funds;
- (b) To appoint one or more of their number or any Director, Secretary or other officer of any corporate Trustee, or any firm or company or the like in which such a Trustee, Director, Secretary or other officer is a partner, shareholder, employee or the like, as Solicitor or Accountant or in any other professional capacity to the Trustees, at the usual professional remuneration; but excluding from such an appointment the Settlor, or any spouse thereof, declaring that neither the Settlor, nor any spouse thereof, should in any way ever benefit under this power.

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addition thereto or in substitution therefor by supplemental declaration of trust executed by the trustees; but so that the trustees shall continue to hold the trust estate for charitable purposes only and declaring that this clause shall not authorise any alteration or modification of the provisions of this deed which would operate to effect any change in its main purposes as provided in clauses 2, 3 and 4 hereof.

6. Administrative powers and indemnities

(i) In addition to the statutory and common law powers and immunities of gratuitous trustees in Scotland, and any special powers herein conferred, the trustees shall have the fullest powers of investment, realisation, administration, management and division of the Trust Estate or any part thereof; and, in particular, without prejudice to that generality, the Trustees shall have power:

(a) To invest or apply the Trust Estate or any part thereof in any way whatsoever in which a man of ordinary prudence would invest or apply his own funds;

(b) To appoint one or more of their number or any Director, Secretary or other officer of any corporate Trustee, or any firm or company or the like in which such a Trustee, Director, Secretary or other officer is a partner, shareholder, employee or the like, as Solicitor or Accountant or in any other professional capacity to the Trustees, at the usual professional remuneration; but excluding from such an appointment the Settlor, or any spouse thereof, declaring that neither the Settlor, nor any spouse thereof, should in any way ever benefit under this power.

(II) If any beneficiary is an unincorporated association, the receipt of the Treasurer for the time being of that association shall be a sufficient discharge to the Trustees.

(III) The Trustees may from time to time and at any time by a separate Deed or Deeds renounce irrevocably for themselves and their successors in office the power to exercise any one or more of the powers conferred on them under this Clause as if the same were vested in them beneficially and not as Trustees, and to determine that such renunciation shall have effect from the last date of execution of these presents by the Settlor, or the date of the last exercise of any such power, or the date of the Deed, as the Trustees in their sole discretion shall determine.

(IV) Every discretion or power conferred on the Trustees shall be an absolute and uncontrolled discretion or power and no Trustee shall be held liable for any loss or damage occurring as a result of his concurring or refusing or failing to concur in the exercise of any such discretion or power.

(V) No Trustee shall be liable for any loss arising by reason of any improper investment made in good faith, or for the negligence or fraud of any agent employed by the Trustees, or by reason of any mistake or omission made in good faith by any Trustee or by reason of any act or thing done or omitted to be done in pursuance of any determination of the Trustees under these presents notwithstanding that such determination may subsequently be held to have been wrongly made, or by reason of any other matter or thing except wilful and individual fraud or wrongdoing on the part of the Trustee who is sought to be made so liable.

- (vi) The Trustees shall have power to make rules for the management of the Trust Estate or for the application of the whole or any part of the capital or income thereof and to amend or cancel any such rules.
- (vii) The Trustees shall have power to employ and pay one of their own number or any other person, other than the Settlor or, during the lifetime of the Settlor, any spouse of the Settlor, as Secretary and such other staff (if any) as the Trustees may deem expedient for the proper management of the Trust Estate, and to provide retirement and other benefits for any person so employed and his or her dependants.
- (viii) The Trustees shall have power in applying any sum, whether of capital or of income, under and within the terms of Clause 3 hereof, to set aside, invest and hold the same, by Minute to that effect, as a separate Endowment Fund for behoof of any Charitable Institution to be named in the Minute or for any charitable purpose to be specified in the Minute on the footing that, subject to the provisions of Clause 4 hereof, the income arising on the separate Endowment Fund so set aside shall be applied for the charitable purposes specified in such Minute until the vesting date or for such shorter period as the Trustees may at the time or from time to time decide upon; and if and so long as an Endowment Fund is so held, the same shall not be paid or applied, either as to capital or income, for any other purpose.
- (vi) It is hereby provided that the foregoing powers of investment, realisation, administration and management shall all be exercised prudently having regard to the charitable trusts on which the Trust Estate is held.

7. Exclusion of settlor

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It is hereby expressly provided and declared that no discretion nor power herein conferred on the trustees shall be exercised, and no provision of these presents shall operate, so as to permit or cause any part of the capital or income of the trust estate, nor any property derived therefrom, to become payable to or applicable for the benefit of the settlor or, during the lifetime of the settlor, for any spouse of the settlor.

8. Irrevocability and proper law

These presents and the trusts hereby created shall be irrevocable, and shall be construed, governed by and administered according to the law of Scotland:

IN WITNESS WHEREOF

these presents are subscribed by the said Elizabeth Anne Bryce, John Leslie Cuthbertson and Thomas Henry Murray before this witness

Donald Gordon, Sales Manager, Springburn Villa, Lochgoilhead and by Roderick Lindsay Phillips and Robert James Upatrick before this witness Ann Walker Liddell, Medical Receptionist, Dervaig, Lochgoilhead and by Samuel Tweedlie and George Dempster before this witness Ruaridh MacLennan, Instructor, Scout Centre, Lochgoilhead all at Lochgoilhead  
Twentieth April  
Two Thousand and Two

*Elizabeth A Bryce*  
*John Leslie Cuthbertson*  
*T. H. Murray*

*[Signature]* witness

*[Signature]*  
*R. K.*  
*Samuel Lindsay Phillips*  
*George Dempster*

*Ann W. Liddell* witness.  
*Ruaridh MacLennan* witness.

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# Income and Expenditure Statemen

## LOCHGOIL JETTY TRUST

### STATEMENT OF INCOME AND EXPENDITURE

FOR THE PERIOD ENDED 31ST MARCH 2019

#### INCOME

|                              | 2019    | 2018    |
|------------------------------|---------|---------|
| Grants Received:             |         |         |
| Donations from community     | 1250.00 | 600.00  |
| Bank Interest                | 2.91    | 10.71   |
| Visitors Donations           | 1029.10 | 3631.99 |
| Fundraising Auction at Dance | 2674.50 |         |
| Dance net proceeds           | 2560.00 |         |
| Total Income                 | 7516.51 | 4242.70 |
| EXPENDITURE                  |         |         |
| Moorings Rental              | 400.00  | 400.00  |
| Insurance                    | 1412.32 | 2081.30 |
| Accountancy                  | 168.00  | 156.00  |
| Website& Maintenance         | 155.00  | 272.50  |
| Wi-Fi                        | 287.76  | 287.76  |
| Proffesional Fees            | 720.00  | 185.97  |
| Hall Hire                    | 34.00   |         |
| Avertising                   |         | 300.00  |
| Total Expenses               | 3177.08 | 3683.53 |
| Excess/(Deficit)             | 4339.43 | 559.17  |
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