

Sealed 14th February 1983

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County - Essex.  
Place - Great Leighs.  
Charity - British School.

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409,211.

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Scheme including appointment  
of Trustees and vesting in  
Official Custodian for  
Charities.

C H A R I T Y   C O M M I S S I O N .

In the matter of the Charity known as the British  
School, at Great Leighs, in the County of Essex,  
regulated by conveyance and declaration of trust  
dated the 7th April 1845; and  
In the matter of the Charities Act, 1960.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES  
HEREBY ORDER that the following Scheme be approved and  
established as the Scheme for the regulation of the above-  
mentioned Charity:-

S C H E M E .

1. Administration of Charity. - The above-mentioned  
Charity and the property thereof specified in the schedule  
hereto and all other the property (if any) of the Charity  
shall be administered and managed subject to and in  
conformity with the provisions of this Scheme by the body  
of Trustees hereinafter constituted.

2. Vesting. - The land with the building thereon  
specified in the said schedule is hereby vested in the  
Official Custodian for Charities for all the estate and  
interest therein belonging to or held in trust for the  
Charity.

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3. Investment of cash. - Subject to any further direction of the Charity Commissioners all sums of cash now or at any time belonging to the Charity, other than sums of cash needed for immediate working purposes, shall be invested in the name of the said Official Custodian.

TRUSTEES.

4. Trustees. - The body of Trustees shall consist when complete of five competent persons being

Three Nominative Trustees and  
Two Co-optative Trustees.

5. Nominative Trustees. - (1) Except at first as hereinafter provided the Nominative Trustees shall be appointed as follows:

Two by Essex County Council, as local education authority, and  
One by The British and Foreign School Society.

(2) Every Nominative Trustee appointed by the County Council shall be appointed for a term of office ending on the date of the appointment of his or her or her successor (which may be made at any time after the day next following his or her appointment on which members of Essex County Council ordinarily retire).

(3) Every Nominative Trustee appointed by the said Society shall be appointed for a term of four years at a meeting convened and held according to the ordinary practice of the Society. The chairman of the meeting shall cause the name of each person appointed to be notified to the Trustees or their clerk.

(4) A person appointed as a Nominative Trustee may be but need not be a member of the appointing body.

6. First Nominative Trustees. - The following persons shall be the first Nominative Trustees and subject to the provisions hereinafter contained for determination of trusteeship shall hold office as if they had been appointed by the respective appointing bodies under this Scheme, for the following periods respectively:

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As appointees of Essex County Council -

Helen How, of Thatch End, Rectory Lane,  
Little Leighs, in the County of Essex,  
Married Woman, and  
Olive Jessie Joyce of 5 Bridge Street, Halstead,  
in the said county, Retired Secretary,  
both for a term of office ending on the date of the  
appointment of their successors;

As appointee of The British and Foreign School  
Society -

The Reverend Gerald Arthur Bishton, of Sutton  
Rectory, Sutton Road, Rochford, in the  
said county, Clerk in Holy Orders,  
for four years from the date of this Scheme.

7. First Co-optative Trustees. - The following persons  
shall be the first Co-optative Trustees and subject to the  
provisions hereinafter contained for determination of  
trusteeship shall hold office for the following periods  
respectively:

Colin Gibson, of 60 Station Road, Upminster,  
in Greater London, Chartered Surveyor,  
for five years from the date of this Scheme;  
William Walter Gibson, of 136 Potter Street,  
Harlow, in the said county, Esquire,  
for three years from the said date.

8. Future Co-optative Trustees. - Every future  
Co-optative Trustee shall be appointed for a term of five  
years by a resolution of the Trustees passed at a special  
meeting of which not less than 21 days' notice has been  
given and may be so appointed not more than one month  
before the term of an existing Co-optative Trustee expires  
with effect from the date of expiry but so that the latter  
shall not vote on the matter.

9. Declaration by Trustees. - No person shall be  
entitled to act as a Trustee whether on a first or on any  
subsequent entry into office until after signing in the  
minute book of the Trustees a declaration of acceptance  
and of willingness to act in the trusts of this Scheme.

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10. Determination of trusteeship. - Any Trustee who is absent from all meetings of the Trustees during a period of one year or who is adjudged bankrupt or makes a composition or arrangement with his or her creditors or who is incapacitated from acting or who communicates in writing to the Trustees a wish to resign shall cease thereupon to be a Trustee.

11. Vacancies. - Upon the occurrence of a vacancy the Trustees shall cause a note thereof to be entered in their minute book at their next meeting and in the case of a vacancy in the office of Nominative Trustee shall cause notice thereof to be given as soon as possible to the proper appointing body. Any competent Trustee may be re-appointed.

#### MEETINGS AND PROCEEDINGS OF TRUSTEES.

12. Ordinary meetings. - The Trustees shall hold at least two ordinary meetings in each year.

13. First meeting. - The first meeting of the Trustees shall be summoned by the said Helen How or if she fails for three calendar months after the date of this Scheme to summon a meeting by any two of the Trustees.

14. Chairman. - The Trustees at their first ordinary meeting in each year shall elect one of their number to be chairman of their meetings until the commencement of the first ordinary meeting in the following year. The chairman shall always be eligible for re-election. If at any meeting the chairman is not present within ten minutes after the time appointed for holding the same or there is no chairman the Trustees present shall choose one of their number to be chairman of the meeting.

15. Special meetings. - A special meeting may be summoned at any time by the chairman or any two Trustees upon not less than four days' notice being given to the other Trustees of the matters to be discussed, but if the matters include an appointment of a Co-optative Trustee then upon not less than 21 days' notice being so given. A special meeting may be summoned to take place immediately after an ordinary meeting.

16. Quorum. - There shall be a quorum when three Trustees are present at a meeting.

17. Voting. - Every matter shall be determined by the majority of votes of the Trustees present and voting on the question. In case of equality of votes the chairman of the meeting shall have a casting vote whether he or she has or has not voted previously on the same question but no Trustee in any other circumstances shall give more than one vote.

18. Minutes and accounts. - A minute book and books of account shall be provided and kept by the Trustees. Statements of account in relation to the Charity shall be prepared and transmitted to the Commissioners in accordance with the provisions of the Charities Act, 1960, except if and in so far as the Charity is excepted by order or regulations.

19. General power to make regulations. - Within the limits prescribed by this Scheme the Trustees shall have full power from time to time to make regulations for the management of the Charity and for the conduct of their business including the summoning of meetings, the appointment of a clerk, the deposit of money at a proper bank and the custody of documents.

#### PROPERTY.

20. Management and letting of lands. - The Trustees shall let and otherwise manage the land and buildings belonging to the Charity. The Trustees shall not without the sanction of the Commissioners or a competent court create any tenancy wholly or partly in consideration of a fine or for a term ending more than 22 years after it is granted or for less than the best rent obtainable.

21. Leases. - The Trustees shall provide that on the grant by them of any lease the lessee shall execute a counterpart thereof. Every lease shall contain covenants on the part of the lessee for the payment of rent and all other usual and proper covenants applicable to the property comprised therein and a proviso for re-entry on non-payment of the rent or non-performance of the covenants.

22. Repair and insurance. - The Trustees shall keep in repair and insure to the full value thereof against fire and other usual risks all the buildings of the Charity not required to be kept in repair and insured by the lessees or tenants thereof and shall suitably insure in respect of public liability and employer's liability.

23. Sale. - Subject to the authority of a further Order of the Commissioners the Trustees may sell the said land and buildings and may do and execute all proper acts and assurances for carrying such sale into effect.

24. Proceeds of sale. - Unless the Commissioners otherwise direct the Trustees shall pay over the clear proceeds of the sale for investment in trust for the Charity in the name of the said Official Custodian.

25. Future administration. - Upon completion of the sale the Charity shall be administered under the title of the Great and Little Leighs Educational Charity.

#### APPLICATION OF INCOME.

26. Expenses of management. - The Trustees shall first defray out of the income of the Charity the cost of repairs and insurance and all other charges and outgoings payable in respect of the property of the Charity and all the proper costs, charges and expenses of and incidental to the administration and management of the Charity.

27. Application of income. - (1) Subject to payment of the expenses aforesaid the Trustees shall apply the income of the Charity in either or both of the following ways -

- (a) In or towards providing such special benefits of any kind not normally provided by the local education authority for any maintained school substantially serving the Parish of Great and Little Leighs as may from time to time be agreed between the Trustees and the Governors of the school concerned after consultation with the said authority.

(b) In promoting the education (including social and physical training) of children and young persons under the age of 25 years who are resident in the said parish or the neighbourhood thereof and who are in need of financial assistance and in particular but without prejudice to the generality of the foregoing:

(i) in awarding to such persons scholarships, exhibitions, bursaries, grants, maintenance allowances or grants tenable at any school, university, college of education or other institution of further (including professional and technical) education approved for the purpose by the Trustees;

(ii) in providing financial assistance, outfits, clothing, tools, instruments or books to assist such persons to pursue their education (including the study of music and other arts), to undertake travel in furtherance thereof, or to prepare for or enter a profession, trade, occupation or service on leaving school, university, or other educational establishment.

(2) Within the limits prescribed by this Scheme the Trustees shall have full power to make rules for the award of scholarships, exhibitions, bursaries, maintenance allowances and other benefits, including rules as to the value and period of tenure of the awards and the qualifications, method of ascertainment and selection of candidates for benefit.

(3) The Trustees shall have regard to the desirability of consulting the local education authority as to their general action under section (b) of sub-clause (1) of this clause and, if occasion requires, as to the educational qualifications of candidates for benefit.

(4) In allocating benefits in accordance with the provisions of section (b) of sub-clause (1) of this clause the Trustees shall have regard to the promotion of education in accordance with the principles and doctrines of the Christian Faith.

GENERAL PROVISIONS.

28. Appropriation of benefits. - The appropriation of the benefits of the Charity shall be made by the Trustees at meetings of their body and not separately by any individual Trustee or Trustees.

29. Trustees not to be personally interested. - No Trustee shall take or hold any interest in property belonging to the Charity otherwise than as a Trustee for the purposes thereof and no Trustee shall receive remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

30. Charity not to relieve public funds. - The Trustees shall not apply income of the Charity directly in relief of rates, taxes or other public funds.

31. Questions under Scheme. - Any question as to the construction of this Scheme or as to the regularity or the validity of any acts done or about to be done under this Scheme shall be determined by the Commissioners upon such application made to them for the purpose as they think sufficient.

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SCHEDULE.

Land situate at Great Leighs in the County of Essex having a frontage on the east to School Lane with the buildings thereon formerly known as Great Leighs County Primary School being the land comprised in the above-mentioned conveyance and declaration of trust dated the 7th April 1845 and made between John Brown of the one part and The Reverend Thomas Craig and twenty-eight others of the other part.

Sealed by Order of the Commissioners this 14th day  
of February 1983.

L.S.

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