CHAPTER xvii.

An Act to confirm a Scheme approved and certified by the Board of Education under the Charitable Trusts Act 1853 relating to the Crossley and Porter Orphan Home and School. [3rd June 1919.]

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WHEREAS in pursuance of sections fifty-four to sixty of the Charitable Trusts Act 1853 and under the Board of Education Act 1899 and the Board of Education (Powers) Orders in Council 1900 to 1902 the Board of Education have approved and certified the Scheme set out in the schedule to this Act and that Scheme is specially distinguished and set forth in a report made by the Board of Education to His Majesty in the month of February last past and laid before both Houses of Parliament:

And whereas that Scheme requires the confirmation of Parliament:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Confirmation of scheme.

1.—(1) The Scheme set out in the schedule to this Act is hereby confirmed.

(2) Nothing in this Act or in that Scheme shall save as in that Scheme expressly provided take away abridge or affect any power or jurisdiction of the High Court or of the Board of Education with respect to the Foundation dealt with by that Scheme or with respect to any scheme affecting that Foundation.

Short title.

2. This Act may be cited as the Board of Education Scheme (Crossley and Porter Orphan Home and School) Confirmation Act 1919.

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SCHEDULE.

Scheme approved and certified by the Board of Education under the Charitable Trusts Acts 1853 *to* 1894 *in the matter of the Crossley and Porter Orphan Home and School Halifax.*

PART I.

GENERAL.

The Foundation.

1. This Scheme relates to the Foundation called the Crossley and Porter Orphan Home and School at Halifax in the county of York originally founded by John Crossley Joseph Crossley and Sir Francis Crossley by Deed of thirtieth January one thousand eight hundred and sixty-eight (in this Scheme called "the Deed of Foundation") further endowed by Thomas Porter and others and administered under Royal Charters of eleventh September one thousand eight hundred and sixty-eight and thirty-first January one thousand eight hundred and eighty-seven by the body thereby incorporated by the name of the Governors of the Crossley and Porter Orphan Home and School.

Variation of Deed of Foundation and Royal Charters.

2. The provisions of the Deed of Foundation and of the said two Royal Charters are hereby varied so as to give effect to the provisions of this Scheme.

Ages for Orphan House.

3. The provisions in the Deed of Foundation set forth thirdly and fourthly are varied as follows but otherwise shall remain in force:—

Thirdly.—The Governors may refuse or restrict to such extent as they think fit the admission of orphans under the age of eight years.

Fourthly.—The period for which any boy or girl may remain in the Orphan House shall be extended for so long as he or she remains in a secondary school of the Foundation under the provisions of Part III. of this Scheme.

Governing Body.

4. Until the expiration of two months from the date of this Scheme or such further period as may be sanctioned in writing by the Board of Education the present governing body shall remain unaltered and

its members shall retain such powers as will enable them to administer the Foundation in the meantime under this Scheme but on the date of such expiration they shall become discharged from their office by virtue of this Scheme and the administration of the Foundation shall pass to the governors constituted under the provisions of Part II. of this Scheme; and as from that date—

(*a*) the provisions in the Deed of Foundation set forth eleventhly to twentiethly inclusive twenty-eighthly to thirty-fifthly inclusive and thirty-seventhly are hereby repealed and the provisions of Part II. of this Scheme are substituted therefor; and

(*b*) the members of the body incorporated by the said two Royal Charters shall be the same persons as the governors constituted under the provisions of Part II. of this Scheme.

Part II.

Governors.

Constitution of Body.

5. The Governors of the Foundation shall when their number is complete consist (subject as in this Part of this Scheme provided) of nineteen persons being—

Fifteen Representative Governors; and

Four Foundation Governors.

Representative Governors.

6. The Representative Governors shall be appointed either from among the members of the appointing bodies or otherwise—

Five of whom at least two shall be women by the council of the county borough of Halifax;

Two by the county council of the West Riding of Yorkshire;

One by the council of the county borough of Leeds;

One by the council of the county borough of Bradford;

One by the council of the county borough of Huddersfield;

Four of whom at least one shall be a woman by the executive of the Yorkshire Congregational Union and Home Missionary Society; and

One by the council of the University of Leeds.

The first Representative Governors shall be appointed as soon as possible after the date of this Scheme (the terms of office of the representatives of the Halifax borough council and the Yorkshire Congregational Union being specified as provided by this Scheme) and their names shall be notified to the clerk to the existing Governing Body.

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Foundation Governors.

7.—(*a*) The Foundation Governors shall in the first instance be the following persons for the following terms of office—

(1) The Right Honourable Savile Brinton Baron Somerleyton K.C.V.O. for a term expiring thirty-first December one thousand nine hundred and twenty-three:

(2) Lena Crossley of Ryburn House Ripponden near Halifax wife of Charles W. Crossley Esquire for a term expiring thirty-first December one thousand nine hundred and twenty-two:

(3) Edith Mary Marchetti of 8 Park Road Halifax wife of Ernest Marchetti Esquire for a term expiring thirty-first December one thousand nine hundred and twenty-one:

(4) Muriel Norris of Magson House Luddenden Foot wife of Gerald Norris Esquire for a term expiring thirty-first December one thousand nine hundred and twenty:

(*b*) Every future Foundation Governor shall be appointed by the Foundation Governors (other than him whose place is to be filled) or by the vote of a majority of them and at least two of the four Foundation Governors shall be women.

Terms of Office of Governors.

8.—(*a*) The Governors in the first instance representing the Halifax Borough Council shall be appointed for terms of office (to be specified in each case by the Council) expiring on the thirty-first December in the years one thousand nine hundred and twenty one thousand nine hundred and twenty-one one thousand nine hundred and twenty-two one thousand nine hundred and twenty-three and one thousand nine hundred and twenty-four respectively and their successors from time to time shall be appointed for successive terms of five years reckoned from those dates.

(*b*) Every Governor representing the West Riding County Council shall be appointed for a term of office expiring on the ordinary day of retirement of county councillors next after his appointment.

(*c*) The Governors from time to time representing the Leeds Bradford and Huddersfield Borough Councils shall be appointed for terms of office expiring on the thirty-first December in the year one thousand nine hundred and twenty-two and in every subsequent third year.

(*d*) The Governors in the first instance representing the Yorkshire Congregational Union and Home Missionary Society shall be appointed for terms of office (to be specified in each case by the executive of that body) expiring on the thirty-first December in the years one thousand nine hundred and twenty one thousand nine hundred and twenty-one

one thousand nine hundred and twenty-two and one thousand nine hundred and twenty-three respectively and their successors from time to time shall be appointed for successive terms of four years reckoned from those dates.

(*e*) The Governor from time to time representing the Council of the University of Leeds shall be appointed for terms of office expiring on the thirty-first December in the year one thousand nine hundred and twenty-one and in every subsequent second year.

(*f*) The Foundation Governors from time to time other than those named in this Scheme shall be appointed for successive terms of four years reckoned from the dates of expiration of the terms of office of the Foundation Governors named in this Scheme.

(*g*) Provided that—

(i) a Governor to fill a casual vacancy shall be appointed for the unexpired residue of his predecessor's term; and

(ii) every Governor shall be entitled to remain in office after the expiration of his term until the appointment of his successor which may be made at any time after such expiration.

Additional Governors.

9. If an increase in the number of Representative Governors is required to comply with any conditions of a grant made by a local authority or by the Board of Education or is considered desirable for any other reasons additional Representative Governors may with the consent of the Governors and the approval of the Board of Education (signified by writing under their seal) be appointed by a local authority for the same terms as are prescribed by this Scheme for the Leeds Bradford and Huddersfield Borough Councils.

Declaration by Governors.

10. No person shall be entitled to act as a Governor whether on a first or any subsequent entry into office until he has signed a declaration of acceptance and of willingness to act in the trusts of the Deed of Foundation and this Scheme.

Governors not to be personally interested in Foundation.

11. Except in special circumstances with the approval in writing of the Board of Education no Governor shall take or hold any interest in any property belonging to the Foundation otherwise than as a trustee for the purposes thereof or receive any remuneration or be interested in the supply of work or goods at the cost of the Foundation.

Quorum.

12. There shall be a quorum when five Governors are present at a meeting.

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Determination of Governorship.

13. Any Governor who is absent from all meetings of the Governors during a period of one year or who is adjudicated a bankrupt or who is incapacitated from acting or who communicates in writing to the Governors a wish to resign shall thereupon cease to be a Governor.

Vacancies.

14. Upon the expiration of the term of office of a Governor or upon the occurrence of a casual vacancy the fact shall as soon as possible be notified to the proper appointing body or a Foundation Governor shall be appointed as the case requires Any competent Governor may be re-appointed.

PART III.

THE CROSSLEY AND PORTER SCHOOLS.

Secondary Schools for Boys and Girls.

15. The secondary schools of the Foundation shall be a school for boys and a school for girls and shall be called "the Crossley and Porter Schools."

Application of this Part of Scheme to both Schools.

16. The provisions of this Part of this Scheme shall apply to the boys' school and also (with substitution of "girl" for "boy" "mistress" for "master" and any consequential modifications) to the girls' school.

STAFF.

Head Master and Assistants.

17. There shall be a head master of the school and such number of assistant masters as the Governors think fit.

Employment of Staff.

18. Every master in the school shall be employed under a contract of service with the Governors which shall in the case of appointments made after the date of this Scheme be reduced to writing and shall in any case be determinable only (except in the case of dismissal for misconduct or other good and urgent cause) upon a written notice given by or on behalf of the Governors or by the master as the case may be and taking effect in the case of the head master after the expiration of six months from the date of notice and in other cases at the end of a school term and after the expiration of two months from the date of notice but nothing in this clause shall—

(*a*) in the case of any person employed at the date of this Scheme affect any special provisions as to notice contained in the

Scheme under which he was appointed or any special agreement as to notice in force at the date of this Scheme; or

(*b*) affect the special provisions of this Scheme as to the procedure to be followed by the Governors in the case of the dismissal of the head master.

Masters not to be Governors.

19. No master in the school shall be a Governor.

Head Master—Appointment.

20. The head master shall be a graduate of a university in the United Kingdom or have such other equivalent qualification as may be approved by the Board of Education He shall be appointed by the Governors after due public advertisement.

Dismissal of Head Master.

21. The Governors may at pleasure dismiss the head master without assigning cause upon notice given in accordance with the provisions of this Scheme or they may for misconduct or other good and urgent cause dismiss him without notice.

Any resolution to dismiss the head master shall not take effect until it has been passed at a special meeting and confirmed at a second special meeting held after an interval of not less than fourteen days and is so passed and confirmed by not less than two-thirds of the Governors present and voting on the question:

Provided that where the dismissal is a dismissal without notice—

(*a*) the Governors may at the first meeting if they think fit by a resolution passed by not less than two-thirds of the whole number of Governors for the time being in office suspend the head master from his office until the second meeting; and

(*b*) full notice of and opportunity of defence at both meetings shall be given to the head master.

Head Master's Tenure and Official Residence.

22. The head master shall dwell in the residence if any assigned for him The occupation and use of the residence and of any other property of the Foundation occupied by him as head master shall be had by him in respect of his official character and duties and not as tenant and if he is removed from his office he shall relinquish all claim to the mastership and its future emoluments and shall deliver up possession of the residence and other property to the Governors or as they direct He shall not except with the permission of the Governors

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permit any person not being a member of his family to occupy the residence or any part thereof.

Head Master not to have other Employment.

23. The head master shall give his personal attention to the duties of the school He shall not undertake any office or employment interfering with the proper performance of his duties as head master He shall not hold any benefice having the cure of souls nor during a school term perform for payment any ecclesiastical duty outside the school.

Income of Head Master.

24. The head master shall receive a stipend in accordance with a rate or scale fixed by the Governors.

Assistant Masters.

25. The power of appointing and dismissing assistant masters in the school shall be exercised by the head master after obtaining in every case the approval of the Governors and every assistant master shall be dismissible at pleasure either on notice given in accordance with the provisions of this Scheme or in the case of misconduct or other good and urgent cause without notice.

An assistant master may at any time be suspended from duty by the head master and the head master shall in that case forthwith report the matter to the Governors.

ORGANISATION AND CURRICULUM.

Jurisdiction of Governors over School Arrangements.

26. Within the limits fixed by this scheme the Governors shall prescribe the general subjects of instruction the relative prominence and value to be assigned to each group of subjects what reports shall be required to be made to them by the head master and the arrangements respecting the school terms vacations and holidays They shall take general supervision of the sanitary condition of the school buildings and arrangements They shall every year fix the amount which they think proper to be paid out of the income of the Foundation for providing and maintaining a proper school plant and apparatus and awarding prizes.

Views and Proposals of Head Master.

27. Before making any rules under the last foregoing clause the Governors shall consult the head master in such a manner as to give him full opportunity for the expression of his views The head master may also from time to time submit proposals to the Governors for

making or altering rules concerning any matter within the province of the Governors The Governors shall fully consider any such expression of views or proposals and shall decide upon them.

Jurisdiction of Head Master over School Arrangements.

28. Subject to any rules prescribed by or under the authority of this Scheme the head master shall have under his control the choice of books the method of teaching the arrangements of classes and school hours and generally the whole internal organisation management and discipline of the school including the power of suspending boys from attendance for any adequate cause to be judged of by him but on suspending any boy he shall forthwith report the case to the Governors.

Payment for School Objects.

29. The head master shall determine subject to the approval of the Governors in what proportions the sum fixed by the Governors for school plant and apparatus and prizes shall be divided among the various objects for which it is fixed in the aggregate and the Governors shall pay the same accordingly either through the hands of the head master or directly as they think best.

General Instruction.

30. Instruction shall be given in the school in such subjects proper to be taught in a secondary school for boys as the Governors in consultation with the head master from time to time determine Subject to the provisions of this Scheme the course of instruction shall be according to the classification and arrangements made by the head master.

Religious Instruction.

31. Subject to the provisions of this Scheme religious instruction in accordance with the principles of the Christian faith shall be given in the school under regulations to be made by the Governors No alteration in any such regulations shall take effect until the expiration of not less than one year after notice of the making of the alteration has been given by the Governors in such manner as they think best calculated to bring the matter within the knowledge of persons interested in the school.

Religious Exemptions.

32.—(*a*) The parent or guardian of or person liable to maintain or having the actual custody of any boy attending the school as a day pupil may claim by notice in writing addressed to the head master the exemption of such boy from attending prayer or religious

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worship or from any lesson or series of lessons on a religious subject and such boy shall be exempted accordingly.

(*b*) If the parent or guardian of or person liable to maintain or having the actual custody of any boy who is about to attend the school and who but for this sub-clause could only be admitted as a boarder desires the exemption of such boy from attending prayer or religious worship or from any lesson or series of lessons on a religious subject but the persons in charge of the boarding-houses of the school are not willing to allow such exemption then it shall be the duty of the Governors to make proper provisions for enabling the boy to attend the school and have such exemption as a day pupil without being deprived of any advantage or emolument to which he would otherwise have been entitled.

(*c*) If any teacher in the course of other lessons at which any boy exempted under this clause is in accordance with the ordinary rules of the school present teaches systematically and persistently any particular religious doctrine from the teaching of which any exemption has been claimed as in this clause before provided the Governors shall on complaint made in writing to them by the parent guardian or person liable to maintain or having the actual custody of such boy hear the complainant and inquire into the circumstances and if the complaint is judged to be reasonable make all proper provisions for remedying the matter complained of.

Examinations.

33. In any year when the Board of Education or the Governors with their consent so direct there shall be without charge to the pupils an examination of such portion of the school as the Board think fit by an examining body approved by them for that purpose and a report thereon shall be made to the Governors who shall furnish a copy to the head master and two copies to the Board.

CONDITIONS OF ADMISSION.

To whom School is open.

34.—(*a*) Subject to the provisions established by or under the authority of this Scheme the school and all its advantages shall be open free of charge to all boys in the Orphan House.

(*b*) If at any time there is room for the admission of boys not in the Orphan House such boys may be admitted as day pupils although not qualified as orphans to such extent as will not in the judgment of the Governors prejudice boys in the House at fees fixed by the Governors at such rate as nearly as may be that no part of the cost of their education will fall upon the income of the endowment.

Ages for School.

35. No boy shall be admitted to the school under the age of seven years No boy shall remain in the school after the end of the school year in which the age of eighteen is attained except with the permission of the Governors which in special cases may be given upon the recommendation of the head master until the end of the school year in which the age of nineteen is attained.

Entrance Examination.

36. No boy shall be admitted to the school except after being found fit for admission in an examination under the direction of the head master graduated according to the age of the boy.

Special Benefits.

Education of intending Elementary School Teachers.

37. The Governors may with the approval in writing of the Board of Education make special provision in or in connexion with the school for the education of boys who intend to qualify as teachers in public elementary schools For these boys subject to the like approval the Governors may make such modifications as they think fit in the foregoing provisions relating to ages and instruction.

Leaving Exhibitions.

38.—(*a*) The Governors may maintain leaving exhibitions to be awarded to boys who are and have for not less than two years been in the school exclusive of boys not qualified as orphans for the benefits of the Foundation.

(*b*) The exhibitions shall be tenable at any university or at any other institution of higher education approved by the Governors and shall consist either of single payments or of payments extending over such period (renewable or otherwise) as the Governors by rule prescribe.

(*c*) The exhibitions shall be tenable only for the purposes of education and shall not be held for instruction given in the evening only They shall be awarded under rules to be made by the Governors including rules as to the age limits of candidates and the value of the exhibitions.

(*d*) Subject to the provisions of this Scheme the exhibitions shall be freely and openly competed for and shall be awarded for merit on the result of such examination as the Governors think fit and any exhibition which no duly qualified candidate is adjudged worthy to take shall for that turn not be awarded.

(*e*) If in the judgment of the Governors an exhibitioner is guilty of serious misconduct or idleness or fails to maintain a reasonable

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standard of proficiency or ceases to pursue his education the Governors may deprive him of the exhibition and for this purpose may act on the report of the proper authorities of the institution at which it is held or on such other evidence as the Governors think sufficient Under this provision the decision of the Governors shall be final in each case.

PART IV.

SUPPLEMENTARY.

Religious Exemptions.

39. No boy or girl shall by reason of any exemption from attending prayer or religious worship or from any lesson or series of lessons on a religious subject be deprived of any advantage or emolument in a school or out of the endowment of the Foundation to which he or she would otherwise have been entitled.

First Meeting of Governors.

40. The first meeting of the Governors under this Scheme shall be summoned by the clerk to the existing governing body as soon as possible after the date on which the administration passes to the Governors under this Scheme or if he fails to summon a meeting for two months after that date by any two Governors.

Present Head Master and Head Mistress.

41. The head master and head mistress of the secondary schools of the foundation in office at the date of this Scheme shall if willing take and hold the offices of head master and head mistress of those schools under this Scheme.

Copies of Scheme.

42. The Governors shall cause a copy of this Scheme to be given to every Governor and to every head master head mistress or other teacher in a secondary school of the Foundation upon entry into office and copies may be sold at a reasonable price to all persons applying for the same.

Power of Alteration.

43. The Board of Education may in the exercise of their ordinary jurisdiction under the Charitable Trusts Acts 1853 to 1894 establish schemes for the alteration of any provisions of the Deed of Foundation or of this Scheme.

Questions under Scheme.

44. 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 conclusively by the Board of Education upon such application made to them for the purpose as they think sufficient. A.D. 1919.

Interpretation.

45. The Interpretation Act 1889 applies to the interpretation of this Scheme as it applies to an Act of Parliament.

Date of Scheme.

46. The date of this Scheme shall be the day on which the Royal Assent is given to any Act of Parliament by which this Scheme is confirmed.

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FOR
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