STATUTORY INSTRUMENTS

1976 No. 1809

CHARITIES

The Charities (Cheltenham College) Order 1976

Laid before Parliament in draft

Made - - - - 29*th October* 1976

Coming into Operation 12*th November* 1976

Whereas the Charity Commissioners for England and Wales have, in pursuance of subsection (1) of section 19 of the Charities Act 1960(a), settled the Scheme set out in the Appendix to this Order with a view to its being given effect under that section:

And Whereas the said Scheme does not alter any statutory provision contained in or having effect under any public general Act of Parliament:

Now, therefore, I, the Right Honourable Merlyn Rees, one of Her Majesty's Principal Secretaries of State, in pursuance of section 19(2) of the Charities Act 1960, hereby make the following Order:—

1. This Order may be cited as the Charities (Cheltenham College) Order 1976 and shall come into operation on the fourteenth day after the day on which it is made.

2. The Scheme set out in the Appendix to this Order shall have effect.

Merlyn Rees,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

29th October 1976.

(a) 1960 c. 58.

APPENDIX

SCHEME FOR THE ADMINISTRATION OF THE CHARITY KNOWN AS CHELTENHAM COLLEGE, AT CHELTENHAM, IN THE COUNTY OF GLOUCESTERSHIRE

Whereas the Charity known as Cheltenham College, Cheltenham, in the County of Gloucestershire is now regulated by the Cheltenham College Act 1894(a):

And Whereas the Charity has made application to the Charity Commissioners for a Scheme for the administration thereof:

And Whereas it appears to the Charity Commissioners that a Scheme should be established for the administration of the Charity but that it is necessary for the Scheme to alter the provision made by the said Act of 1894:

And Whereas in pursuance of section 21 of the Charities Act 1960 public notice of the Charity Commissioners' proposals for this Scheme has been given and no representations have been received by the Charity Commissioners in respect thereof:

Now, therefore, the Charity Commissioners for England and Wales, in pursuance of section 19(1) of the Charities Act 1960, hereby settle the following Scheme:—

SCHEME

1. *Variation of trusts.*—From the coming into effect of this Scheme the provisions of sections 4 and 5 of the above-mentioned Cheltenham College Act 1894 shall cease to have effect and the provisions of this Scheme shall have effect in substitution therefor.

2. *The Council.*—(1) The body corporate called the President and Council of Cheltenham College (hereinafter referred to as the Council) shall consist of

The President, who shall be appointed by the members of the Council or a majority of them for such term not exceeding five years as the members direct;

Six Nominated Members, who shall be appointed as follows:

One by the Hebdomadal Council of the University of Oxford;

One by the Council of the Senate of the University of Cambridge;

One by the Council of the University of Bristol;

One by the members of the Cheltonian Society; and

Two by the members of the teaching staff of Cheltenham College including its Junior School;

Not less than 13 and not more than 18 Co-opted Members who shall be appointed for a term of five years by a resolution of the members of the Council to be 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-opted Member expires with effect from the date of expiry but so that the latter shall not vote on the matter.

(2) Except at first as hereinafter provided the Nominated Member appointed by the Cheltonian Society shall be elected at the Annual General Meeting of that Society and shall hold office for a term of one year only. Except also at first as hereinafter provided all other Nominated Members shall be appointed for a term of five years at a meeting convened and held according to the practice of the appointing body or, in the case of the members of the said teaching staff, according to the procedure prescribed from time to time by rules made under the provisions of section 9 of the Cheltenham College Act 1894. Members of the Council appointed as aforesaid may not be members of the said teaching staff. Retired members of that staff other than a retired Principal or Headmaster may be so appointed.

3. *Determination of membership and appointment to the Council.*—(1) No member of the Council shall on attaining the age of 72 years continue to hold office or be eligible for re-appointment except with the written consent of the Charity Commissioners given on the application of all the other members of the Council.

(a) 1894 (57 & 58 Vict.) c. ciii.

(2) Any member of the Council who is absent from all meetings of the Council during a period of one year for reasons which in the opinion of the Council do not excuse his attendance 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 Council a wish to resign shall cease thereupon to be a member.

(3) If at any time a Nominated Member or a Co-opted Member is appointed to be the President there shall be a vacancy in the office held by him at the date of his taking office as President.

(4) Upon the occurrence of a vacancy the Council 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 Nominated Member shall cause notice thereof to be given as soon as possible to the proper appointing body. Subject as hereinbefore provided any competent member may be re-appointed.

4. *Deputy President.*—The members of the Council at their first ordinary meeting in each year shall elect one of their number to be a Deputy President. The Deputy President shall exercise the functions of the President during his absence or during any vacancy in the office of President.

5. *First President.*—The following person shall be the first President of the Council under the provisions of this Scheme and subject to the provisions hereinbefore contained for determination of membership shall be entitled to hold office for four years from the coming into effect of this Scheme:

Sir Ronald Lindsay Prain, O.B.E., of Waverley, St. George's Hill, Weybridge, in the County of Surrey, Director of Public Companies.

6. *First Nominated Members.*—The following persons shall be the first Nominated Members under the provisions of this Scheme and subject to the provisions hereinbefore contained for determination of membership shall be entitled to hold office for the following periods respectively:

As appointee of the said Hebdomadal Council—

Francis Martin Baillie Reynolds, of Worcester College, in the City of Oxford, Fellow of Worcester College,

for five years from the coming into effect of this Scheme;

As appointee of the Council of the said Senate—

Samuel Gorley Putt, O.B.E., of Christ's College, in the City of Cambridge, Fellow of Christ's College,

for five years from the coming into effect of this Scheme;

As appointee of the Council of the University of Bristol—

The Honourable Alasdair Andrew Orr Morrison, of Maisemore Park, in the City of Gloucester, University Lecturer,

for five years from the coming into effect of this Scheme;

As appointees of the teaching staff of Cheltenham College—

John Mackay, of Old Post Office, Tormarton, in the County of Avon, Retired Headmaster, and

Ralph Conyers Stow, of Shepherd's Fold, Charlton Hill, Charlton Kings, in the Borough of Cheltenham, Company Director,

both for three years from the coming into effect of this Scheme;

As appointee of the Cheltonian Society—

The Right Honourable Sir Frederick Vernon Corfield, P.C., Q.C., of Wordings Orchard, Sheepscombe, in the County of Gloucestershire,

for a period ending on the date of the annual general meeting of the Cheltonian Society held in the year 1977.

7. *First Co-opted Members.*—The following persons shall be the first Co-opted Members under the provisions of this Scheme and subject to the provisions hereinbefore contained for determination of membership shall be entitled to hold office for the following periods respectively:

Annette Lorimer Knox Cadbury Witcomb, J.P., of Ryall House, Ryall, in the County of Hereford and Worcester, Company Director,

Graham Chatfeild Chatfeild-Roberts, T.D., of Jankes Farmhouse, Wakes Colne, Colchester, in the County of Essex, a Colonel in the Territorial and Army Volunteer Reserve,

Robin Anthony Fletcher, D.S.C., of Trinity College, in the City of Oxford, Fellow of Trinity College, and

Sir Alec Drummond Ogilvie, of 5 Stanhope Gate, Mayfair, Company Chairman, and

Rupert Alfred Withers, of Flat 24, 100 Lancaster Gate, Chartered Accountant, both in the City of Westminster,

all for five years from the coming into effect of this Scheme;

John Aeron-Thomas, J.P., of 61 and 62 Wind Street, Swansea, in the County of West Glamorgan, Company Director,

Robert Stanley Bramwell, of The Old House, Coombe Bissett, in the County of Wiltshire, Company Director,

Sir Derrick Hunton Carter, T.D., of Withington House, Withington, in the County of Gloucestershire, Industrial Consultant, and

Sir Patrick Arthur Macrory, of Amberdene, Walton-on-the-Hill, Tadworth, in the County of Surrey, Company Director,

all for four years from the coming into effect of this Scheme;

The Right Honourable Burke St. John, Lord Trend, P.C., G.C.B., C.V.O., of Rector's Lodgings, Lincoln College, in the City of Oxford,

Lieutenant-General Sir Richard Elton Goodwin, K.C.B., C.B.E., D.S.O., D.L., of Barrow House, Barrow, in the County of Suffolk,

Allen Harold Claude Greenwood, C.B.E., J.P., of The R.A.C. Country Club, Woodcote Park, Epsom, in the County of Surrey, Company Director, and

Stephen Konstantin Manstead, of 3 Lancaster Road, Wimbledon, in the London Borough of Merton, Company Director,

all for two years from the coming into effect of this Scheme.

8. *Questions of construction.*—Any question as to the construction of this Scheme may be referred to the Charity Commissioners for their opinion or advice in accordance with the provisions of section 24 of the Charities Act 1960.

Sealed by Order of the Charity Commissioners this 30th day of June 1976.

(L.S.)

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order gives effect to a Scheme of the Charity Commissioners relating to Cheltenham College. The Scheme reconstitutes the governing body of the College.

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