STATUTORY INSTRUMENTS

1975 No. 1304

CHARITIES

The Charities (Edward Harvist's Charity) Order 1975

Laid before Parliament in draft

Made - - - - 1*st August* 1975

Coming into Operation 15*th August* 1975

Whereas the Charity Commissioners for England and Wales have, in pursuance of section 19(1) 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 Roy Harris Jenkins, 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 (Edward Harvist's Charity) Order 1975 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.

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

1st August 1975.

(a) 1960 c. 58.

APPENDIX

SCHEME FOR THE ADMINISTRATION OF THE CHARITY OF EDWARD HARVIST OTHERWISE KNOWN AS THE HARVIST ESTATE, FOR THE REPAIR OF THE EDGWARE ROAD BETWEEN TYBURN AND EDGWARE, IN GREATER LONDON

Whereas the Charity of Edward Harvist, otherwise known as the Harvist Estate, for the repair of the Edgware Road between Tyburn and Edgware, in Greater London, is now regulated by:—

(1) the Will of the said Edward Harvist dated the 21st February 1610;

(2) the Metropolis Roads (Harvist's Estate) Act, 1855(a);

(3) The Metropolis (Kilburn and Harrow) Roads Act, 1872(b);

(4) a Scheme of the Charity Commissioners of the 22nd July 1949:

And Whereas application has been made to the Charity Commissioners by the body corporate called the Mayor Aldermen and Burgesses of the London Borough of Harrow, the Trustees of the Charity, for a Scheme for the administration of the Charity:

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 Acts of 1855 and 1872:

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. *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 in lieu of the provisions now regulating the Charity by the body of Trustees hereinafter constituted.

2. *Investment of cash.*—Sums of cash at any time belonging to the Charity and not needed for immediate working purposes shall be invested in the name of the Official Custodian for Charities unless the Charity Commissioners otherwise direct.

OBJECT

3. *Object.*—The object of the Charity shall be to further all or any of the following purposes:—

(1) The relief of the aged, impotent and poor inhabitants of the London Boroughs of the City of Westminster, Barnet, Brent, Camden and Harrow (the inhabitants of the said London Boroughs being hereinafter referred to as "the said inhabitants");

(2) The relief of distress and sickness among the said inhabitants;

(3) The provision and support (with the object of improving the conditions of life for the said inhabitants in the interests of social welfare) of facilities for recreation and other leisure-time occupation;

(4) The provision and support of educational facilities for the said inhabitants;

(5) Any other charitable purposes (whether or not of a nature similar to any of those hereinbefore specified) for the benefit of the said inhabitants:

(a) 1855 c. 11. (b) 1872 c. xlix.

Provided always that such purposes shall extend to those purposes for which provision is made out of rates, taxes or other public funds, only if and to the extent to which in the opinion of the Councils of the said London Boroughs further provision (in addition to that made out of rates, taxes or other public funds) can properly be made for such purposes.

TRUSTEES

4. *Trustees.*—The body of Trustees shall consist when complete of five competent persons appointed as follows:

One by the Council of the London Borough of the City of Westminster,

One by the Council of the London Borough of Barnet,

One by the Council of the London Borough of Brent,

One by the Council of the London Borough of Camden,

One by the Council of the London Borough of Harrow.

Except at first as hereinafter provided each appointment shall be made for a term of four years at a meeting convened and held according to the ordinary practice of the appointing council. The chairman of the meeting shall cause the name of each person appointed to be notified forthwith to the Trustees or their clerk. The person appointed may be but need not be a member of the appointing council.

5. *First Trustees.*—The following persons shall be the first Trustees under this Scheme and subject to the provisions hereinafter contained for determination of trusteeship shall be entitled to hold office for the following periods respectively:

As appointee of the Council of the London Borough of the City of Westminster—

William Henry Kearney, O.B.E., of 166 Grove End Gardens, St. John's Wood, a Wing Commander in the Royal Air Force (Retired),

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

As appointee of the Council of the London Borough of Barnet—

Leslie Sussman, of 25 Tillingbourne Gardens, Finchley, Esquire,

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

As appointee of the Council of the London Borough of Brent—

Ivor William Davies, of 14 Mapesbury Road, Cricklewood, Esquire,

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

As appointee of the Council of the London Borough of Camden—

Glyn Thomas, of Flat 6, 113 Broadhurst Gardens, Hampstead, Esquire,

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

As appointee of the Council of the London Borough of Harrow—

Alfred James Lovell, B.E.M., I.S.M., of 30 Headstone Road, Harrow, Esquire,

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

6. *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.

7. *Determination of trusteeship.*—Any Trustee who is absent from all meetings of the Trustees during a period of two consecutive years or who is adjudged bankrupt or makes a composition or arrangement with his 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.

8. *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 shall cause notice thereof to be given as soon as possible to the proper appointing council. Any competent Trustee may be re-appointed.

Meetings and Proceedings of Trustees

9. *Ordinary meetings.*—The Trustees shall hold at least one ordinary meeting in each year.

10. *First meeting.*—The first meeting of the Trustees shall be summoned by the said Alfred James Lovell or if he fails for three calendar months after the date of this Scheme to summon a meeting by any two of the Trustees.

11. *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.

12. *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. A special meeting may be summoned to take place immediately after an ordinary meeting.

13. *Quorum.*—There shall be a quorum when three Trustees are present at a meeting.

14. *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 has or has not voted previously on the same question but no Trustee in any other circumstances shall give more than one vote.

15. *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 Charity 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.

16. *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.

Application of Income

17. *Expenses of management.*—The Trustees shall first defray out of the income of the Charity all the proper costs, charges and expenses of and incidental to the administration and management of the Charity.

18. *Application of income.*—Subject to payment of the expenses aforesaid the Trustees shall pay the yearly income of the Charity to the Councils of the following London Boroughs in the following proportions to be applied by each Council for the benefit of the inhabitants of the borough concerned for any purpose within the object of the Charity:

London Borough	*Proportion*
City of Westminster	25 per cent.
Barnet	31·012 per cent.
Brent	27·68 per cent.
Camden	10·714 per cent.
Harrow	5·594 per cent.

General Provision

19. *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.

SCHEDULE

The following investments standing in the name of the Official Custodian for Charities:

Narrower-range

£17,885 Delta Metal Company Limited 7½% Convertible Unsecured Loan Stock 1984–89.

£20,000 Drayton Consolidated Trust Limited 7½% Convertible Unsecured Loan Stock 1993.

£25,000 Hanson Trust Limited 6½% Convertible Unsecured Loan Stock 1988–93.

£20,000 London Shop Property Trust Limited 6½% Convertible Unsecured Loan Stock 1984.

£10,000 Joseph Lucas (Industries) Limited 6½% Convertible Unsecured Loan Stock 1980.

£30,000 N.C.R. Limited Sterling/Dollar Convertible Guaranteed Loan Stock 1993–98.

£25,000 Nottingham Manufacturing Company Limited 6½% Convertible Unsecured Loan Stock 1993–98.

£25,000 Ransome Hoffmann Pollard Limited 8% Convertible Unsecured Loan Stock 1984.

£20,000 Thorn Electrical Industries Limited 5% Convertible Unsecured Loan Stock 1990–94.

£10,000 Town & City Properties Limited 5½% Convertible Unsecured Loan Stock 1980.

Wider-range

£3,000 Barclays Bank Limited Ordinary Stock.

£1,250 British-American Tobacco Company Limited Ordinary Stock.

7,500 British Insulated Callender's Cables Limited Ordinary Shares of 50p each.

30,000 Capper-Neill Limited Ordinary Shares of 10p each.

15,000 Commercial Union Assurance Company Limited Ordinary Shares of 25p each.

15,000 Croda International Limited Ordinary Shares of 10p each.

10,000 Dickinson Robinson Group Limited Ordinary Shares of 25p each.

11,000 Equity & Life Assurance Company Limited Ordinary Shares of 5p each.

£10,000 Grand Metropolitan Limited 10% Convertible Unsecured Loan Stock 1991–96.

9,000 Great Universal Stores Limited "A" Ordinary Stock Units of 25p each.

8,500 Guest, Keen and Nettlefolds Limited Ordinary Shares of £1 each.

30,000 Hawtin Limited Ordinary Shares of 10p each.

£10,000 Johnson and Firth Brown Limited 9½% Consolidated Unsecured Loan Stock 1985–90.

5,000 Johnson Matthey Limited Ordinary Shares of £1 each.

12,500 Lex Service Group Limited Ordinary Shares of 25p each.

£17,000 Lloyds Bank Limited 7½% Convertible Subordinated Unsecured Loan Stock 1984.

7,500 Marks and Spencer Limited Ordinary Shares of 25p each.

£12,000 MEPC Limited 5% Convertible Unsecured Loan Stock 1988–94.

30,000 Mercantile Investment Trust Limited Ordinary Shares of 25p each.

25,000 Mitchell Cotts Group Limited Ordinary Shares of 25p each.

15,000 National and Commercial Banking Group Limited Ordinary Shares of 25p each.

£4,166 Peninsular and Oriental Steam Navigation Company Deferred Stock.

2,500 Pilkington Brothers Limited Ordinary Shares of £1 each.

28,800 Raybeck Limited Ordinary Shares of 10p each.

31,250 Readicut International Limited Ordinary Shares of 5p each.

10,000 Redland Limited Ordinary Shares of 25p each.

4,500 Reed International Limited Ordinary Shares of £1 each.

11,428 Rugby Portland Cement Company Limited Ordinary Shares of 25p each.

13,500 Scottish Metropolitan Property Company Limited Shares of 20p each.

6,000 The "Shell" Transport and Trading Company Limited Ordinary Shares of 25p each.

30,000 Throgmorton Trust Limited Ordinary Shares of 25p each.

18,000 Town & City Properties Limited Ordinary Shares of 10p each.

24,366 Trafalgar House Investments Limited Ordinary Shares of 20p each.

20,000 Trafford Park Estates Limited Ordinary Shares of 25p each.

15,000 U.K. Optical & Industrial Holdings Limited Ordinary Shares of 25p each.

12,000 Wilkinson Match Limited Ordinary Shares of £1 each.

£12,000 cash on temporary loan to the Council of the London Borough of Bromley at interest.

£13,392 cash on temporary loan to Castle Point District Council at interest.

£23,500 cash on temporary loan to Chiltern District Council at interest.

£3,808 cash on temporary loan to Clwyd County Council at interest.

£565,887.68 cash on temporary loan to London Borough of Harrow Council at interest being accumulations of income.

£14,898 cash on deposit account at the branch of National Westminster Bank Limited at St. Ann's Road, in the London Borough of Harrow.

£33.38 cash on current account at the said branch of the said bank.

This schedule is made up to the 28th February 1975.

Sealed by Order of the Charity Commissioners this 21st day of May 1975.

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 a charity which was established in the 17th century for the repair of the Edgware Road from Marble Arch to Edgware, a purpose now otherwise adequately provided for.

The Scheme supersedes all existing provisions; it constitutes a new body of trustees and provides for the income of the charity to be divided amongst the Councils of the London Boroughs of the City of Westminster, Barnet, Brent, Camden and Harrow in proportion to the length of the road passing through their respective areas, that is to say, in the proportions specified in clause 18. The income is to be applied for the purposes of the charity, which are specified in clause 3.