STATUTORY INSTRUMENTS

# 1973 No. 196

## CHARITIES

## The Charities (Magdalen Hospital Charity) Order 1973

*Laid before Parliament in draft*

*Made* - - - 8*th February* 1973

*Coming into Operation* 22*nd February* 1973

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 Robert Carr, 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 (Magdalen Hospital Charity) Order 1972 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.

*Robert Carr,*
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
8th February 1973.

(a) 1960 c. 58.

## APPENDIX

### SCHEME FOR THE ADMINISTRATION OF THE CHARITY CALLED THE MAGDALEN HOSPITAL, IN GREATER LONDON

Whereas the Charity called the Magdalen Hospital, in Greater London, is now regulated by:

(1) the Magdalen Hospital Act 1768(a);

(2) the Magdalen Hospital Amendment Act 1848(b);

(3) the Magdalen Hospital Amendment Act 1866(c);

(4) the Magdalen Hospital Charity Scheme Confirmation Act 1937(d):

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 Acts of 1768, 1848, 1866 and 1937:

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 the Charity Commissioners have taken into consideration all representations made to them in respect thereof and have decided to proceed with the proposals without modification:

And Whereas all the charity trustees were party or privy to the application aforesaid:

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 under the title of the Magdalen Hospital Trust by the body of Trustees hereinafter constituted in substitution for the provisions now regulating the Charity.

2. *Dissolution of corporation.*—The body corporate constituted by the Magdalen Hospital Act 1768 and called in the Scheme of the Charity Commissioners confirmed by the above-mentioned Act of 1937 The President Vice-Presidents Treasurer and Governors of the Magdalen Hospital is hereby dissolved.

3. *Investments and cash.*—All investments comprised in this Scheme and not already standing in the name of the Official Custodian for Charities shall be transferred into the name of the said Official Custodian. 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 said Official Custodian unless the Charity Commissioners otherwise direct.

4. *President.*—The Archbishop of Canterbury for the time being shall be the President of the Charity.

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(a) 1768 c. xxxi.
(b) 1848 c. xvii.
(c) 1866 c. cxxx.
(d) 1937 c. xxiv.

## TRUSTEES

5. *Trustees.*—Except at first as hereinafter provided the body of Trustees shall consist when complete of twelve competent persons being—

Three Nominative Trustees and

Nine Co-optative Trustees.

6. *Nominative Trustees.*—(1) The Nominative Trustees shall be appointed by nomination in writing as follows:

One by the Archbishop of Canterbury for the time being;

One by the Bishop of Southwark for the time being; and

One by one of Her Majesty's Principal Secretaries of State.

(2) Except at first as hereinafter provided each appointment shall be made for a term of four years.

(3) The first Nominative Trustees shall be appointed as soon as possible after the coming into effect 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 be entitled to hold office for life:

The Reverend Reginald Charles Morris Beeny, Clerk in Holy Orders, and Dorothy Vivian Beeny, Married Woman, both of 28 Woodbourne Avenue, Streatham, in the London Borough of Lambeth,

The Reverend Robert Frank Wagstaff, of Sussex Cottage, Blue House Lane, Oxted, in the County of Surrey, Clerk in Holy Orders,

Lady Jean Margaret Rankin, C.V.O., of 3 Catherine Wheel Yard, in the City of Westminster, Widow,

The Honourable Helen Myrtle Dorothy MacCowan, M.B.E., of 32 Marlborough Place, in the said city, Married Woman,

Katherine Mary Evans, of 22 Dulwich Village, Dulwich, Widow, and

Thelma Catherine Shuttleworth, of 7 Oakfield Gardens, Dulwich Wood Avenue, Norwood, Married Woman, both in the London Borough of Southwark,

Ronald Charles Howell, J.P., of 35 Rollscourt Avenue, Herne Hill, Esquire,

Ernest Edward Kemp, of 28 Prentis Road, Streatham, Solicitor, and

Frederick George Peacock, J.P., of 29 Woodfield Avenue, Streatham, Esquire, all in the London Borough of Lambeth,

Bronwen Maude Brendan Lucas, of Cherry Orchard, Church Lane, Lockington, in the East Riding of the County of York, Married Woman, and

John Franklin Madden, J.P., of New Barn, Withersfield, in the County of Suffolk, Esquire.

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.

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 person or body. Any competent Trustee may be re-appointed. There shall be no vacancy in the office of Co-optative Trustee until the number of Co-optative Trustees is reduced below nine.

## Meetings and Proceedings of Trustees

12. *Ordinary meetings.*—The Trustees shall hold at least four ordinary meetings in each year.

13. *First meeting.*—The first meeting of the Trustees shall be summoned by the said Ernest Edward Kemp or if he 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 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 at any meeting of the Trustees when the number of Trustees present is one-third of the multiple of three next above the number of the Trustees for the time being.

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 Charity Commisioners 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 deposit of money at a proper bank and the custody of documents.

20. *Clerk and other officers.*—(1) The Trustees may appoint as clerk one of their number without remuneration who shall be dismissible at their pleasure or some other fit person at such reasonable salary and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit.

(2) The Trustees may from time to time employ such other persons to perform such duties as they consider necessary for the proper administration and management of the Charity at such reasonable salaries and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit.

## Application of Income

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

22. *Application of income.*—(1) Subject to payment of the expenses aforesaid the Trustees shall apply the said income as and when they think fit in promoting the welfare of young persons who are exposed to moral danger or are prevented by reason of mental or bodily disease or infirmity or other incapacity or any other circumstances from providing for themselves or their children proper accommodation, maintenance or training and in particular but without in any way limiting the generality of the foregoing:

(*a*) In making grants to schools, colleges, hostels and other institutions where such persons as aforesaid are maintained or trained in trades, occupations and professions;

(*b*) In assisting such persons as aforesaid who are preparing for, entering upon or engaged in trades, occupations or professions by the provision of tools or books, the payment of fees for instruction or examination, the payment of travelling expenses or by such other means as will fit them to earn their own living or advance them in life;

(*c*) In assisting unmarried mothers who are in need of financial assistance.

(2) The Trustees may apply any part of the income of the Charity which is not required in any year for application in manner aforesaid in preventing crime and delinquency amongst young persons who are in need of care, control or protection by reason of environmental or other circumstances and for that purpose may carry out enquiries and research into the causes of such delinquency and may make grants to other persons and bodies carrying out enquiries and research as aforesaid.

## General Provisions

23. *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.

24. *Trustees not to be personally interested.*—No Trustee shall receive remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

25. *Charity not to relieve public funds.*—The funds or income of the Charity shall not be applied in relief of rates, taxes or other public funds but income may be applied in supplementing relief or assistance provided out of public funds.

26. *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

### PROPERTY

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

£70,000 on temporary loan to Cheshunt Urban District Council at interest at the rate of 4⅛% per annum.

£100,000 on temporary loan to Colchester Corporation at interest at the rate of 4⅛% per annum.

£75,000 on temporary loan to Farnham Urban District Council at interest at the rate of 4¼% per annum.

The following investments standing in the name of The President, Vice-Presidents, Treasurer and Governors of the Magdalen Hospital:

£3,804·73 8½% Treasury Stock, 1980-82.

£73,620·37 3½% War Stock.

£956·68 2½% Consolidated Stock.

£12,760 British Gas 3% Guaranteed Stock, 1990-95.

£21,923·09 in a Deposit Fund administered by the Central Board of Finance of the Church of England under the Church Funds Investment Measure, 1958.

£5,520 on loan to The Rainer Foundation at interest at the rate of ½% per annum above the Bank rate secured upon mortgage of property known as Hafod Meurig, Llanddeiniolen, in the County of Caernarvon.

£10,000 on loan to The Rainer Foundation at interest at the rate of ½% per annum above the Bank rate secured upon mortgage of property known as 89 Blackheath Hill, Greenwich, in the London Borough of Greenwich.

£17,000 on loan to The Southwark Diocesan Housing Association Limited at interest at the Bank rate secured upon mortgage of property known as 11 Wilkinson Street, Lambeth, in the London Borough of Lambeth, 59 King's Grove, Peckham, in the London Borough of Southwark and 36 Clarendon Rise, Lewisham, in the London Borough of Lewisham.

£8,000 on loan to The Southwark Diocesan Association for Moral Welfare at interest at the rate of 8% per annum secured upon mortgage of property known as 32 Macaulay Road, Clapham, in the London Borough of Lambeth.

The following investment and sum of cash standing in the name of the Paymaster-General of the High Court of Justice (Chancery Division) to the credit of an account entitled Attorney General v Leathersellers Company The Magdalen Hospital Account:

£250·14 2½% Consolidated Stock.

£0·95 being accumulations of income.

£61,500 on deposit account at Drummonds Branch of the Royal Bank of Scotland Limited.

£8,667·56 on current account at the said branch of the said bank.

Chattels consisting of pictures, silver, books, furniture and glass valued in 1967 at £2,415.

This schedule is made up to the 19th May 1972.

Sealed by Order of the Charity Commissioners on 2nd November 1972.

(L.S.)

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## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order gives effect to a Scheme of the Charity Commissioners in relation to a charity originally founded under a private Act of 1768. Of recent years, until 1965, the charity maintained an institution in Streatham, London, as a home for girls and young women in moral danger, but that institution has now been closed and the premises sold. The purpose of the Scheme is to reconstitute the body of trustees and to provide new purposes for the charity. These new purposes, which are not confined to the case of girls and young women, are set out in clause 22 of the Scheme.