STATUTORY INSTRUMENTS

2001 No. 106

CHARITIES

The Charities (Most Honourable and Loyal Society of Ancient Britons (known as St. David's School)) Order 2001

Made - - -	*19th January 2001*
Coming into force	*2nd February 2001*

Whereas the Charity Commissioners for England and Wales have, in pursuance of section 17(1) of the Charities Act 1993**(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 Scheme does not alter any statutory provision contained in or having effect under any public general Act of Parliament:

And whereas a draft of this Order has been laid before Parliament, the period of forty days mentioned in section 6(1) of the Statutory Instruments Act 1946**(b)** has expired, and neither House of Parliament has within that period resolved that the Order not be made:

Now, therefore, in pursuance of section 17(2) of the Charities Act 1993, the Secretary of State hereby makes the following Order:–

1. This Order may be cited as the Charities (Most Honourable and Loyal Society of Ancient Britons (known as St. David's School)) Order 2001 and shall come into force 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.

Home Office
19th January 2001

Paul Boateng
Minister of State

APPENDIX

SCHEME FOR THE ALTERATION OF PROVISIONS GOVERNING THE CHARITY CALLED THE MOST HONOURABLE AND LOYAL SOCIETY OF ANCIENT BRITONS (KNOWN AS ST. DAVID'S SCHOOL) SITUATE IN SURREY

Whereas the Charity called the Most Honourable and Loyal Society of Ancient Britons (known as St. David's School) for the benefit of educating and training as apprentices children whose father or mother shall have been born within the principality of Wales, the county of Monmouth, or the parishes of Oswestry, Sellatyn and Llanymynech in the county of Salop, is now regulated by the Act of 14th May 1846**(c)** ("the Act") incorporating the Members of the Most Honourable and Loyal Society of Ancient Britons formerly called the Welsh Charity School;

(a) 1993 c. 10.
(b) 1946 c. 36.
(c) c. xviii (9 & 10 Vict.).

And whereas it is sought to modernise the objects and powers of the Charity;

And whereas the trustees of the Charity have on behalf of the charity 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 alteration of the provisions governing the Charity but that it is necessary for the Scheme to make provision which goes beyond the powers exercisable by them apart from section 17 of the Charities Act 1993;

And whereas in pursuance of section 20 of the Charities Act 1993 public notice of the Charity Commissioners' proposals for this Scheme has been given and no representations have been received in respect thereof;

Now, therefore, the Charity Commissioners for England and Wales in pursuance of section 17(1) of the Charities Act 1993 hereby settle the following Scheme:

SCHEME

Provisions ceasing to have effect

1. Sections 4, 5, 8, 11, 12, 17 and 18 of the Act shall cease to have effect from the date on which this Scheme is given effect by an Order of the Secretary of State under section 17(2) of the Charities Act 1993.

Amendments

2. Section 16 of the Act (power of amendment by way of Laws, Rules and Regulations subject to proviso) shall have effect as if the words "and that the benefits of the said Charity shall be limited to children whose father or mother shall have been born within the principality of Wales, the county of Monmouth, or the parishes of Oswestry, Sellatyn, and Llanymynech, in the county of Salop" were removed and the following words substituted therein:

> "and that the purposes of the said Charity shall be limited to the education of children and young persons up to 25 years of age with a preference for children and young persons whose parents or grandparents were born in or are resident in Wales and more particularly by provision of a school for such children and young persons.".

Indemnity Insurance

3. The Charity shall have the power to pay any premium in respect of any indemnity insurance to cover the liability of the Board of Governors (or any of them) which by virtue of any rule of law would otherwise attach to them in respect of any negligence, default, breach of duty or breach of trust of which they may be guilty in relation to the Charity, provided that any such insurance shall not extend:

(a) to any claim arising from any act or omission which the member of the Board of Governors seeking to be indemnified knew to be a breach of trust or a breach of duty or which was committed by him or her in reckless disregard of whether it was a breach of trust or breach of duty or not; or

(b) to the costs of an unsuccessful defence to a criminal prosecution brought against any member of the Board of Governors in his or her capacity as a trustee of the Charity.

Questions under the Scheme

4. 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 may be determined by the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

Sealed by Order of the Commissioners this 8th day of November 2000.



EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to a Scheme sealed by the Charity Commissioners for England and Wales to amend the objects and provide for the administration of the Charity commonly known as the "St. David's School". The Charity is currently governed by an Act incorporating the Members of the Most Honourable and Loyal Society of Ancient Britons of 14th May 1846.

The Scheme in the Order repeals those parts of the 1846 Act which are no longer relevant and modernises the objects of the Charity facilitating amendment to the administrative arrangements by Laws, Rules and Regulations and confers a power to take out indemnity insurance.

STATUTORY INSTRUMENTS

2001 No. 106

CHARITIES

The Charities (Most Honourable and Loyal Society of Ancient Britons (known as St. David's School)) Order 2001

£1.75

© Crown copyright 2000

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

E 0176 01/01 ON (MFK)