STATUTORY INSTRUMENTS

1976 No. 147

CHARITIES

The Charities (The Marine Society) Order 1976

Laid before Parliament in draft

Made - - - -	*2nd February* 1976
Coming into Operation	*16th February* 1976

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 (The Marine Society) 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.

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

Home Office,
Whitehall.

2nd February 1976.

(**a**) 1960 c. 58.

APPENDIX

SCHEME FOR THE ADMINISTRATION OF THE CHARITY CALLED THE MARINE SOCIETY

Whereas the Charity called The Marine Society is now regulated by:

(1) the Act of Parliament of the year 1772 intituled An Act for incorporating the Members of a Society, commonly called The Marine Society, and their Successors, to be elected as therein is mentioned; and for the better empowering and enabling them to carry on their charitable and useful Designs(**a**);

(2) the Marine Society Act 1957(**b**);

(3) the Marine Society Act, 1963(**c**):

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 provisions made by the said Acts of 1772, 1957 and 1963:

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.*—The provisions of the above-mentioned Acts of 1772, 1957 and 1963, other than the provisions of the said Act of 1772 relating to the incorporation of the Charity called The Marine Society shall henceforth cease to have effect in relation to the Charity.

2. *Administration of Charity.*—(1) Subject to the Bye-laws made and to any directions, restrictions or conditions given or imposed by the Governors of the Charity, the persons comprising from time to time the Council of the Charity hereinafter constituted shall have the general control and management of the day to day administration of the Charity.

(2) The Council shall in particular:

(*a*) manage the financial and other business of the Charity;

(*b*) keep proper books of account with respect to the affairs of the Charity and prepare consecutive statements of account consisting on each occasion of an Income and Expenditure Account relating to a period of not more than fifteen months and a balance sheet relating to the end of that period;

(*c*) appoint a secretary and other paid officers and servants and determine the terms and conditions of their employment within the limits permitted by law; and

(*d*) perform such other functions as the Governors from time to time direct.

(3) Subject to and in accordance with the Bye-laws the Council may from time to time appoint such committees as it thinks fit consisting either wholly or as to not less than two-thirds of persons who are members of the Council, and may delegate to such committees the exercise of any of its powers and functions.

(**a**) 12 Geo. 3 c. 67. (**b**) 5 & 6 Eliz. 2 c. ix. (**c**) 1963 c. xiii.

OBJECT

3. *Object.*—(1) The object of the Charity shall be the advancement of the educatio and the relief in need of seafarers in one or more of the following ways:

(*a*) The provision in ships and on shore of a comprehensive library service for the use of seafarers;

(*b*) The assistance of persons preparing for, or entering upon, a seafaring career by the provision of training, the payment of fees, maintenance and other expenses and the making of loans;

(*c*) The award to seafarers of scholarships, bursaries and maintenance allowances tenable at any nautical or other school or training establishment;

(*d*) The making of grants or loans to nautical or other schools or training establishments which are Charities or to other organisations established for charitable purposes only which provide facilities for and encourage young persons to become seafarers;

(*e*) The promotion in other ways of the education of seafarers;

(*f*) The promotion of scientific or other research of particular benefit to seafarers;

(*g*) The provision and carrying on of hostels providing accommodation for seafarers in need of the same;

(*h*) The provision in the interests of the social welfare of seafarers of facilities for recreation and other leisure-time occupation, being facilities which will improve their conditions of life and of which they have need by reason of their social and economic circumstances; and

(*i*) The relief of poverty and distress among seafarers, their widows, children and other dependants, by the making of grants or loans or otherwise.

(2) In this clause the expression "seafarers" means persons of all ranks and grades who have served, are serving or intend to serve in the Royal Navy and the British Merchant Navy and Fishing Fleets and persons who are serving in the navies, merchant navies and fishing fleets of such other countries as the Governors of the Charity from time to time determine.

(3) In furthering the said object the Governors, Council and officers of the Charity shall have regard to maintaining the efficiency of the Royal Navy and the British Merchant Navy and Fishing Fleets.

GOVERNORS

4. *Governors.*—(1) Notwithstanding the provisions of the said Act of 1772 relating to the constitution of the Corporation, the Governors of the Charity shall consist henceforth of the following persons—

the President for the time being of the Charity,

the Vice-Presidents for the time being of the Charity,

Life Governors, being all persons who have subscribed to the funds of the Charity such sum or aggregate sums or such sums for such periods as shall from time to time be prescribed in the Bye-laws of the Charity as qualifying the subscriber for Life Governorship,

Nominated Governors, being all persons who have been appointed by corporations, societies or charities which have subscribed to the funds of the Charity such sum or aggregate sums or such sums for such periods as shall from time to time be prescribed in the Bye-laws as qualifying the subscriber to nominate a Nominated Governor, and

Annual Governors, being all persons who have subscribed to the funds of the Charity such sum as shall from time to time be prescribed in the Bye-laws as qualifying the subscriber for Annual Governorship.

(2) The appointment of a Nominated Governor shall be made at a meeting convened and held according to the ordinary practice of the nominating body. The person appointed may be but need not be a member of the nominating body.

(3) Every Life Governor shall hold office for life. Every Nominated Governor shall hold office until the date of the appointment of his successor by the body nominating him. Every Annual Governor shall hold office for one year from the date of the receipt of the last subscription made by him to the funds of the Charity.

(4) The persons holding office as Governors of the Charity at the date of the coming into effect of this Scheme shall continue to hold office as Life Governors under the provisions of this Scheme.

5. *Annual courts.*—The Governors of the Charity shall hold an annual court in the month of May in every year or as soon as practicable thereafter at such time and place as the Governors shall determine. At the annual court the Governors shall receive and consider the report and accounts of the Charity for the preceding year, shall elect officers of the Charity, members of the Council of the Charity and auditors for the ensuing year and shall transact any other business of which one month's notice shall have been given.

6. *Special courts.*—A special court of the Governors may be summoned at any time by the President of the Charity, the Council or any 20 Governors upon one month's notice being given to all the other Governors of the matters to be discussed.

7. *President.*—(1) Except at first as hereinafter provided the Governors shall at an annual court of the Governors elect one of their number to be President of the Charity. The President shall hold office for a period which shall be determined at his election by the Governors or until resignation.

(2) In the event of a vacancy in the office of President the Chairman of the Council of the Charity hereinafter referred to or, if he refuses to act or there is no Chairman, a person nominated by the Council shall be the President of the Charity and shall hold office until the election of his successor at the next ensuing annual court of the Governors.

8. *First President.*—The first President of the Charity shall be the Right Honourable Walter Leslie, Viscount Runciman of Doxford, O.B.E., A.F.C., and shall hold office for life or until resignation.

9. *Vice-Presidents.*—Except at first as hereinafter provided the Governors shall at an annual court of the Governors elect such number of Vice-Presidents as the Governors from time to time determine. Every Vice-President shall hold office for life or until resignation. A Vice-President may be elected to the Council of the Charity.

10. *First Vice-Presidents.*—The following persons shall be the first Vice-Presidents of the Charity:

The Right Honourable Charles Marsham Earl of Romney, D.L., J.P.,
Sir Gilmour Jenkins, K.C.B., K.B.E., M.C.,
Admiral Sir Geoffrey John Audley Miles, K.C.B., K.C.S.I.,
Admiral Sir Alan Kenneth Scott-Moncrieff, K.C.B., C.B.E., D.S.O.,
Charles Frederick Bernard Arthur,
Frank George Griffith Carr, C.B., C.B.E.,
Ernest Charles de Rougemont, C.B.E.,
Frederick John Alfred Beatty Everard,
William Marcus Graham,
George Palmer Holt,
Michael Henry Marsham,
Sidney Arthur Newton,
Commander Alan Westbury Preston, R.N.,
Captain George Whalley Wakeford, O.B.E.

11. *Quorum.*—There shall be a quorum when seven Governors are present at a court of the Governors.

12. *Voting.*—Every matter shall be determined by the majority of votes of the Governors present and voting on the question. In case of equality of votes the President shall have a casting vote whether he has or has not voted previously on the same question but no Governor in any other circumstances shall give more than one vote.

13. *General power to make bye-laws.*—Within the limits prescribed by this Scheme the Governors shall have power to make and alter bye-laws for the management of the Charity and for the conduct of their business and in particular but without prejudice to the generality of this provision with respect to all, or any, of the following matters:

(*a*) the proceedings at courts of the Governors,

(*b*) the election of officers of the Charity and members of the Council,

(*c*) the sums to be subscribed to the funds of the Charity for the purpose of qualifying persons to be Life Governors or Annual Governors, and corporations, societies or charities to nominate a Nominated Governor,

(*d*) the appointment, dismissal, remuneration and duties of persons employed by the Charity,

(*e*) the keeping of minute books and books of account,

(*f*) the deposit of money at a bank and the signing of cheques,

(*g*) the appointment, proceedings and business of committees of the Council and of sub-committees of such committees.

14. *Treasurer.*—(1) There shall be a Treasurer of the Charity who, except at first as hereinafter provided, shall be elected at an annual court of the Governors, and shall hold office for the period for which he is elected or until resignation.

(2) The first Treasurer of the Charity shall be Christopher Edward Thornton, F.C.A., of Great House Close, Souldern, in the County of Oxfordshire, Esquire.

(3) In the event of a vacancy in the office of Treasurer the Council shall appoint one of its number to be the Treasurer until the election of a successor.

THE COUNCIL

15. *Constitution of Council.*—The Council of the Charity shall consist of the following persons (hereinafter referred to as Members):

The President of the Charity, and

The Treasurer of the Charity, both for the time being,

Not more than 30 and not less than 15 Elected Members, who shall be elected, except at first as hereinafter provided, at an annual court of the Governors, and

Not more than five Co-optative Members, who shall be appointed by a resolution of the Council.

16. *Elected Members.*—(1) The term of office of an Elected Member of the Council shall, except at first as hereinafter provided, commence at the termination of the annual court at which he is elected.

(2) At every annual court one-third of the Elected Members of the Council for the time being, or, if the number of Elected Members of the Council is not a multiple of three then the number nearest to but not exceeding one-third, shall retire. A retiring Elected Member of the Council shall retain his office until the termination of the annual court at which his successor is elected or until it is determined not to fill his place. The Elected Members of the Council to retire shall for the first three annual courts from the date of the coming into effect of this Scheme in the absence of agreement be selected from among them by ballot and thereafter the Elected Members of the Council to retire shall be those who have been longest in office since their last election. As between Elected Members of equal seniority, the Elected Members to retire shall

in the absence of agreement be selected from among them by ballot. A retiring Elected Member shall be eligible for re-election. The Charity at the annual court at which an Elected Member of the Council retires in manner aforesaid may fill up the vacated office by electing a member thereto, and in default the retiring Member shall be deemed to have been re-elected unless at such meeting it is resolved not to fill up such vacated office.

17. *Co-optative Members.*—The term of office of a Co-optative Member of the Council shall commence on the passing of the resolution of the Council by which he is appointed and be as specified therein; and on the expiration thereof he shall be eligible for re-appointment.

18. *Termination of membership.*—Any Member of the Council who is adjudicated a bankrupt or who makes a composition or arrangement with his creditors or who is incapacitated from acting or who communicates in writing to the Council a wish to resign shall thereupon cease to be a Member.

19. *First Elected Members.*—The following persons shall be the first Elected Members of the Council and shall hold office from the date of the coming into effect of this Scheme:

Lieutenant-Commander Kenneth Roy Alger, R.D., R.N.R.,
Roy Austin Arnold,
Commander William Ashton, D.S.C., R.N.,
Captain John Arthur Neale Bezant, D.S.C., R.D., R.N.R.,
Glynden Ewart Carter,
Bernard Gilbert Stancombe Cayzer,
Geoffrey Ernest Cook,
Rear-Admiral Edward Findlay Gueritz, C.B., O.B.E., D.S.C.,
Captain Raymond Hart, C.B.E., D.S.O., D.S.C., R.N.,
Richard Henry Hobhouse,
Captain Gilbert Roy Hughes, M.B.E.,
William Furlonger Hunt,
Richard Ewart Hutson,
Philip Charles Izard,
Sir Gilmour Jenkins, K.C.B., K.B.E., M.C.,
The Reverend Prebendary Thomas Phoebus Kerfoot, M.B.E., A.L.C.D.,
Walter Kerr,
George Alfred Brown King,
Captain Alan Coulson Manson, C.B.E.,
Captain Ronald Charles Marsh,
Walter Marshall,
Michael Henry Marsham,
Captain Robert Novis Mayo, C.B.E.,
Captain George William Merrick,
Kevin Anthony Murphy,
Eric Nevin,
David Royden Rooper,
Rear-Admiral Maurice James Ross, C.B., D.S.C.,
Captain George Whalley Wakeford, O.B.E.,
William Laurence Woof.

20. *Chairman and Vice-Chairman.*—(1) There shall be a Chairman and Vice-Chairman of the Council who shall be Members thereof and shall be appointed at its first meeting in each year after the termination of the annual court of the Governors or on the occurrence of a vacancy.

(2) The Chairman and Vice-Chairman shall each hold office until resignation, ceasing to be a Member of the Council or the termination of the annual court of the Governors held next after his appointment whichever shall first occur.

(3) Any Member of the Council who has previously held office as Chairman or Vice-Chairman shall be eligible for re-appointment.

MEETINGS AND PROCEEDINGS OF COUNCIL

21. *Ordinary Meetings.*—The Council shall hold not less than three ordinary meetings in each year. A special meeting may be summoned at any time by the Chairman or any two Members upon seven days' notice being given to all the other Members of the matters to be discussed.

22. *First Meeting.*—The first meeting of the Council under this Scheme shall be summoned by Captain Charles Wickham Malins, D.S.O., D.S.C., R.N., of Old Farm Place, Catsfield, in the County of East Sussex, as soon as conveniently may be after the date on which this Scheme comes into effect or, if he fails to summon a meeting for two months after that date, by any two Members.

23. *Quorum.*—There shall be a quorum when not less than seven Members are present at a meeting.

24. *Chairman.*—The Chairman of the Council or, in his absence, the Vice-Chairman shall preside at meetings of the Council. If both the Chairman and Vice-Chairman are absent from any meeting or part of a meeting, the Members present shall appoint a Chairman before any other business is transacted.

25. *Voting.*—Every matter shall be determined by a majority of the Members present at a meeting and voting on the question. In the case of equality of votes on any question the Chairman of the meeting shall have a casting vote.

26. *Attendance of non-members.*—The Council may invite persons who are not Members to attend any of its meetings and any such person may be heard but shall not be entitled to vote thereat.

27. *Validation of proceedings.*—The proceedings of the Council shall not be invalidated by any vacancy in their number or by any defect in the appointment or qualification of any Member.

28. *General power to make regulations.*—Within the limits prescribed by the foregoing provisions of this Scheme and subject to the provisions of the Bye-laws the Council shall make regulations for the conduct of its proceedings and management of its business in such manner as it from time to time determines.

POWERS OF COUNCIL

29. *Powers of Council.*—In furthering the object of the Charity and for the purpose of the exercise of its functions under this Scheme the Council may—

(1) accept any donations, grants and legacies for the general purposes of the Charity or for any special purpose connected therewith and take steps to procure such donations, grants and legacies;

(2) co-operate with and assist other charitable organisations financially, by co-ordination of activities or otherwise;

(3) collect, circulate, publish and distribute (gratuitously or otherwise) information relating to the activities of the Charity;

(4) purchase, print, manufacture, publish and distribute newspapers, journals, books, leaflets, video-tapes, films, records and other means of communication whether or not of a wholly novel kind;

(5) pay or subscribe to funds or schemes for the provision of pensions and retirement benefits for employees of the Charity, their widows, children and other dependants;

(6) grant pensions and retirement benefits to or for employees and former employees of the Charity and to the widows, children and other dependants of deceased employees who are in necessitous circumstances; and

(7) do all such other lawful acts and things as are incidental or conducive thereto.

POWERS OF INVESTMENT

30. *Powers of investment.*—(1) The Charity may divide property now or hereafter belonging to the Charity or held by the Charity upon special trusts administered in connection with the Charity (but subject in the case of the last-mentioned property to any special powers or provisions affecting that property) into two parts in the proportions following, namely—

One fourth to a part consisting of narrower-range investments within the meaning of the Trustee Investments Act 1961(**a**), and

Three-fourths to a part consisting of wider-range investments within the meaning of that Act.

(2) In all other respects the powers of investment of the Charity shall be exercised in accordance with the provisions of the last-mentioned Act.

GENERAL PROVISIONS

31. *Saving of interests.*—Any exhibition, bursary, maintenance allowance, grant, loan or other like emolument or payment awarded or made on or before the date on which this Scheme comes into effect shall be maintained, held and continued, as nearly as may be, as if this Scheme had not been made.

32. *Governors, etc. not to be personally interested.*—No Governor, Member or any member of any committee or sub-committee exercising powers or functions under the provisions of this Scheme shall take or hold any interest in any property belonging to or held in trust for the Charity otherwise than as a Trustee for the purpose thereof, or receive any remuneration or be interested in the supply of work or goods, at the cost of the Charity.

33. *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 on the 29th day of October 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 the Marine Society which was founded in 1756 principally for placing men and boys in service at sea. The Scheme makes new provision for the government and administration of the charity and for its purposes. The new purposes are set out in clause 3 of the Scheme.

(**a**) 1961 c. 62.

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