CHAPTER xxxvii

An Act to confirm a Scheme of the Charity Commissioners for the application or management of certain Charities in the Parish of Stoneleigh, in the County of Warwick.

[28th March 1956.]

WHEREAS the Charity Commissioners in their Report to Her Majesty of their proceedings during the year one thousand nine hundred and fifty-four reported that they had approved and certified a Scheme for the application or management of the following charities in the Parish of Stoneleigh, in the County of Warwick:

1. The Almshouse of Thomas Leigh, Knight, and of Alice, his wife;
2. The Almshouse for Poor Widows;
3. The Share of the net yearly income of Alicia Duchess Dudley's Charity:

And whereas it is expedient that the Scheme as the same is fully set out and defined in the Schedule to this Act should be confirmed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The said Scheme is hereby confirmed: Confirmation of Scheme.

Provided always that nothing in this Act or in the said Scheme shall be held to interfere with the ordinary jurisdiction over endowed charities now exercisable by the High Court of Justice and the Charity Commissioners.

2. This Act may be cited as the Leigh Almshouse, Stoneleigh, and other Charities Scheme Confirmation Act, 1956. Short Title.

SCHEDULE

SCHEME FOR THE APPLICATION OR MANAGEMENT OF THE FOLLOWING CHARITIES, IN THE COUNTY OF WARWICK:—

1. THE ALMSHOUSE OF THOMAS LEIGH, KNIGHT, AND OF ALICE, HIS WIFE, COMPRISED IN THE FOLLOWING INSTRUMENTS:—

LETTERS PATENT OF GRANT OF 28TH JUNE 1577,

DEED POLL DATED THE 1ST MARCH 1579;

2. THE ALMSHOUSES FOR POOR WIDOWS, FOUNDED BY DEED OF GIFT DATED 9TH MAY 1855;

3. THE SHARE OF THE NET YEARLY INCOME OF ALICIA DUCHESS DUDLEY'S CHARITY WHICH IS APPLICABLE UNDER THE PROVISIONS OF A SCHEME OF THE CHARITY COMMISSIONERS OF THE 13TH JUNE 1879 AS AMENDED BY A SCHEME OF THE SAID COMMISSIONERS OF THE 6TH JANUARY 1885 FOR THE BENEFIT OF THE ALMSPEOPLE OF THE CHARITY NUMBERED 1 ABOVE AND OF THE POOR OF STONELEIGH.

1. *Administration of Charities.*—The above-mentioned Charities and the endowments thereof specified in the schedule hereto and all other the endowments (if any) of the Charities shall be administered and managed subject to and in conformity with the provisions of this Scheme as one Charity under the title of Dame Alice Leigh's Almshouse.

2. *Dissolution of Corporation.*—The Corporation of the Wardens and Poor of the Almshouse of Thomas Leigh knight and Alice his wife in Stoneleigh in the County of Warwick, constituted by the above-mentioned letters patent of the 28th June 1577, is hereby dissolved.

3. *Vesting.*—The land specified in the schedule hereto is hereby vested in The Official Trustee of Charity Lands for all the estate and interest therein belonging to or held in trust for the Charity.

4. *Investments of cash.*—All sums of cash now or at any time belonging to the Charity and not needed for immediate working purposes shall be invested (unless otherwise ordered) as soon as possible under the authority of a further Order of the Charity Commissioners in the name of The Official Trustees of Charitable Funds.

TRUSTEES

5. *Trustees.*—The Charity shall be administered and managed by a body of Trustees consisting when complete of seven competent persons being—

Three Ex-officio Trustees;

Two Representative Trustees; and

Two Co-optative Trustees.

SCH. —*cont.*

6. *Ex-officio Trustees*—The Ex-officio Trustees shall be—

BARON LEIGH (if of full age); and

The VICAR and PEOPLE'S CHURCHWARDEN of Stoneleigh, all for the time being.

7. *Representative Trustees.*—The Representative Trustees shall be appointed by the Parish Council of Stoneleigh on the nomination of the Councillors for the time being elected for the Abbey Ward. Each appointment shall be made for a term of four years at a meeting convened and held according to the ordinary practice of the 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 council.

8. *First Representative Trustees.*—The first Representative Trustees shall be appointed as soon as possible after the date hereof and their names shall be notified to the said Vicar on behalf of the Trustees. At the end of two years from the date of the appointment of the first Representative Trustees if both remain Trustees one of them to be determined by lot if necessary shall go out of office but shall be eligible for reappointment.

9. *Co-optative Trustees.*—The Co-optative Trustees shall be persons residing in the area of the Ancient Parish of Stoneleigh.

10. *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 the following periods respectively:—

ERIC CARPENTER of Wentworth House, Stoneleigh, Company Director, for five years from the date of this Scheme; and

GEOFFREY FRANCIS FORSHAW BOULT of Stoneleigh Abbey, Land Agent, for three years from the date of this Scheme.

11. *Future Co-optative Trustees.*—Every future Co-optative Trustee shall be appointed for a term of five years by a resolution of the Trustees to be passed at a special meeting.

12. *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.

13. *Determination of trusteeship.*—Any Co-optative Trustee who ceases to be qualified as aforesaid, any Representative or Co-optative Trustee who is absent from all meetings of the Trustees during a period of one year and any Trustee 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 Trustee a wish to resign shall cease thereupon to be a Trustee.

SCH. —*cont.*

14. *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 Representative Trustee shall cause notice thereof to be given as soon as possible to the council. Any competent Trustee may be re-appointed. No vacancy in the office of Co-optative Trustee shall be filled until after the lapse of one calendar month from its occurrence.

MEETINGS AND PROCEEDINGS OF TRUSTEES

15. *Ordinary meetings.*—The Trustees shall hold at least two ordinary meetings in each year.

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

17. *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.

18. *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 all the other Trustees of the matters to be discussed.

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

20. *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.

21. *Minutes and accounts.*—A minute book and books of account shall be provided and kept by the Trustees. All proper accounts in relation to the Charity shall be made out in each year and certified in such manner as the Charity Commissioners require and copies thereof shall be transmitted to the said Commissioners in compliance with the provisions of the Charitable Trusts Acts.

22. *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.

23. *Clerk.*—The Trustees may appoint some fit person to be their clerk and to hold office during their pleasure and may pay to him (not being a Trustee) such reasonable salary as they think fit.

APPLICATION OF INCOME

SCH. —*cont.*

24. *Expenses of management.*—The Trustees shall first defray out of the income of the Charity the cost of repairs and insurance and all other charges and outgoings payable in respect of the property of the Charity and all the proper costs, charges and expenses of and incidental to the administration and management of the Charity.

25. *Payment for sermon.*—The Trustees shall pay out of the income of the Charity a yearly sum of £1 6s. 8d. to the Vicar of Stoneleigh for preaching a sermon to the almspeople once a year in the parish church.

26. *Extraordinary Repair Fund*—(1) Subject to any further order or orders of the Charity Commissioners a fund for the extraordinary repair, improvement or rebuilding of the almshouses belonging to the Charity shall be provided and maintained as follows.

(2) The Trustees shall pay to The Official Trustees of Charitable Funds a yearly sum of not less than £50 out of the income of the Charity and the said Official Trustees shall invest the yearly sum so paid at compound interest in the purchase in their name to the credit of an account to be entitled Extraordinary Repair Fund of one or more of the stocks, funds and securities (other than real securities) authorised by law for the investment of trust funds.

27. *Balance of income.*—Subject to the payments aforesaid and to the retention of a reasonable working balance to provide for repairs or other purposes the Trustees shall apply the yearly income of the Charity for the benefit of the almspeople of the Charity or any of them in such manner as the Trustees think fit from time to time and if and so far as the said income cannot be applied as aforesaid the Trustees shall apply such income for the benefit of the poor in conformity with the provisions hereinafter contained.

ALMSHOUSES AND ALMSPEOPLE

28. *Almshouses.*—The almshouses belonging to the Charity and the property heretofore occupied therewith shall be appropriated and used for the residence of almspeople in conformity with the provisions of this Scheme.

29. *Saving for existing almspeople.*—Appointments of almspeople under this Scheme shall be made without prejudice to the interests of the existing almspeople.

30. *Qualifications of almspeople.*—The almspeople shall be poor persons of good character.

31. *Notice of vacancy.*—No appointment of an almsperson shall be made by the Trustees until a sufficient notice of an existing vacancy specifying the qualifications required from candidates has been published by advertisement or otherwise so as to give due publicity to the intended appointment but it shall not be necessary to publish a notice if a vacancy occurs within twelve calendar months after the last notice of a vacancy has been published.

SCH. —*cont.*

32. *Applications for appointment.*—All applications for appointment shall be made in writing in such manner as the Trustees direct to the Trustees or their clerk. Before appointing any applicant to be an almsperson the Trustees shall require him or her to attend in person unless he or she is physically disabled or the Trustees are of opinion that special circumstances render this unnecessary. Every applicant must be prepared with sufficient testimonials and other evidence of his or her qualification for appointment.

33. *Selection of almspeople.*—Almspeople shall be selected only after full investigation of the character and circumstances of the applicants.

34. *Appointments of almspeople.*—Every appointment of an almsperson shall be made by the Trustees at a special meeting.

35. *Records.*—The Trustees shall provide and keep a book in which shall be entered the name, age and description of every person appointed to be an almsperson, the date of every appointment and the date and occasion of every vacancy. They shall also keep a register of all applications for appointment.

36. *Absence from Almshouses.*—No almsperson shall be absent from the almshouses for a period exceeding a week without the consent of the Trustees or their clerk.

37. *Rooms not to be let.*—No almsperson shall be permitted to let or part with the possession of the room or rooms allotted to him or her or except with the special permission of the Trustees to suffer any person to share the occupation of the same or of any part thereof.

38. *Removal of almspeople.*—(1) The following persons may be removed from being almspeople:—

(*a*) Any almsperson who in the opinion of the Trustees is guilty of insobriety, insubordination, breach of regulations or immoral or improper conduct;

(*b*) Any almsperson who in the opinion of the Trustees no longer has the required qualifications;

(*c*) Any almsperson who has been appointed without having the required qualifications;

(*d*) Any almsperson who is suffering from mental or other disease or infirmity rendering him or her unfit to remain an almsperson.

(2) Upon the removal of any almsperson the Trustees shall take possession of the room or rooms occupied by him or her.

(3) Any almsperson removed under section (1) of this clause on account of mental or other disease or infirmity may be reappointed on recovery without previous notice being given of the vacancy.

39. *Regulations.*—The Trustees may prescribe from time to time such reasonable regulations as they consider expedient for the government of the almspeople but so that the same shall not be at variance or inconsistent with any of the provisions of this Scheme and by such regulations may provide that the almspeople shall render such assistance to each other as is within their power.

SCH. —*cont.*

BENEFIT OF POOR

40. *Benefit of poor.*—The Trustees shall apply income of the Charity applicable for the benefit of the poor as they think fit for the benefit either of the poor of the area of the Ancient Parish of Stoneleigh generally or of such poor persons resident therein as they select and in particular but without prejudice to the generality of the foregoing in one or more of the following ways:—

(1) Gifts of bedding, clothing, food, fuel, furniture or other useful articles, including comforts or other aids for the sick.

(2) Weekly allowances of a value of not less than 2s. 6d. or more than 10s. except with the approval of the Charity Commissioners: Provided that instead of paying the whole of such weekly allowance to any recipient in money the Trustees may spend all or part thereof for his or her benefit in such ways as they think fit.

(3) Gifts in money to relieve sickness, infirmity or distress.

(4) Grants for the benefit of persons who are sick, infirm, convalescent or in need of rest or change of air to defray the expense of recuperative holidays or of obtaining domestic help.

(5) Payment of travelling expenses of persons entering or leaving hospitals, convalescent homes or similar institutions or of relatives visiting the sick or infirm in such institutions.

(6) Assistance of persons who are preparing for, entering upon or engaged in any trade, occupation or profession by provision of tools or books, payment of fees for instruction or examination, payment of travelling expenses or such other means as will fit them to earn their own living or advance them in life.

(7) Subscriptions to almshouses and other charitable institutions or organisations having for their object the benefit of the poor of the said area.

(8) Subscriptions to homes or hostels for the residence or care of old, infirm or homeless persons upon terms which will ensure that their benefits are available for poor persons of the said area.

41. *Restrictions.*—In applying the income of the Charity under the last preceding clause the Trustees shall observe the following restrictions:—

(1) They shall not commit themselves to make recurring grants;

(2) They shall not give assistance to individuals unless satisfied that they are deserving and in need.

GENERAL PROVISIONS

42. *Appropriation of benefits.*—The appropriation of the benefits of the Charity shall be made by the Trustees from time to time at meetings of their body and not separately by any individual Trustee or Trustees.

SCH. —*cont.*

43. *Trustees not to be personally interested.*—No Trustee shall take or hold any interest in property belonging to the Charity otherwise than as a Trustee for the purposes thereof and no Trustee shall receive any remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

44. *Charity not to relieve public funds.*—The funds or income of the Charity shall not in any case be applied in relief of rates, taxes or other public funds.

45. *Alteration of Scheme.*—The Charity Commissioners in the exercise of their ordinary jurisdiction may establish from time to time Schemes for the alteration of any of the provisions of this Scheme as if those provisions had been made by the founder in the case of a Charity having a founder.

46. *Questions under Scheme.*—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 shall be determined by the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

47. *Date of Scheme.*—The date of this Scheme shall be the date of the Act of Parliament confirming the same.

SCHEDULE

THE CHARITY NUMBERED 1 ABOVE

Land situate in the Parish of Stoneleigh in the County of Warwick with the almshouses thereon known as Dame Alice Leigh's Almshouse.

£1,160 2½ per cent. Consolidated Stock standing in the name of The Official Trustees of Charitable Funds.

The right to have the above-mentioned almshouses repaired whenever the income of the Charity is not sufficient for the purpose which right is secured upon the property situate in the Parishes of Stoneleigh, Cubbington and Ashow in the County of Warwick and known as New House Farm, now in the ownership of Rupert William Dudley Baron Leigh.

THE CHARITY NUMBERED 2 ABOVE

£1,413 6s. 8d. 3 per cent. Treasury Stock standing in the name of the said Official Trustees.

THE CHARITY NUMBERED 3 ABOVE

Four equal seventeenth parts of the net yearly income of the Charity called Alicia Duchess Dudley's Charity.

Sealed by Order of the Board this 22nd day of December, 1954.

PRINTED BY JOHN ROUGHTON SIMPSON, C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
LONDON : PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
Price 6*d.* net
PRINTED IN GREAT BRITAIN
(37201)