

Sealed 14th September 1977

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County - Cornwall.
Ancient) - Stoke Climsland.
Parish)
Charity - Stoke Climsland
Educational Foundation.

L2(R).
306,514 A/1.

Stamp 50p

Scheme including appointment
of Trustees.

C H A R I T Y C O M M I S S I O N .

In the matter of the Charity called the Stoke
Climsland Educational Foundation, in the
Ancient Parish of Stoke Climsland, in the
County of Cornwall, regulated by a Scheme
made by the Board of Education on the
16th November 1905; and
In the matter of the Charities Act, 1960.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES
HEREBY ORDER that the following Scheme be approved and
established as the Scheme for the regulation of the
above-mentioned Charity:-

S C H E M E .

1. Administration of Charity. - The above-mentioned
Charity and the endowments thereof specified in the schedule
hereto and all other the endowments (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 Stokeclimsland Charity Trust (hereinafter
referred to as 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.

3. Area of benefit. - In this Scheme the expression "area of benefit" shall mean the area of the Parish of Stoke Climsland as constituted on the 31st March 1934.

TRUSTEES.

4. Trustees. - The body of Trustees shall consist when complete of seven competent persons being

Two Ex-officio Trustees,
Three Nominative Trustees and
Two Co-optative Trustees.

5. Ex-officio Trustees. - The Ex-officio Trustees shall be

The Rector of the Ecclesiastical Parish of
All Saints, Stoke Climsland; and
The Chairman of the Parish Council of
Stokeclimsland,
both for the time being.

During any time when there is no Rector of the said ecclesiastical parish the Curate for the time being in charge of that ecclesiastical parish shall by virtue of his office be a Trustee of the Charity.

6. Nominative Trustees. - The Nominative Trustees shall be appointed as follows:

One by the Cornwall County Council as the
local education authority, and
Two by the Parish Council of Stokeclimsland.

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.

7. First Nominative Trustees. - The following persons shall be the first Nominative Trustees 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 Cornwall County Council -

Donald Edwin Phillips, of Avonleigh,
Coads Green, North Hill, Company
Director,
for four years from the date of this Scheme;

As appointees of the Parish Council of Stokeclimsland -

Jacob Bate Lightfoot, of Alren, Stokeclimsland,
Farmer,
for four years from the said date;
Colin Michael Bray, of The School House,
Stokeclimsland, Schoolmaster,
for two years from the said date.

8. Co-optative Trustees. - The Co-optative Trustees shall be persons who through residence, occupation or employment, or otherwise have special knowledge of the area of benefit.

9. 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:

Vernon Robert Daniel, of Burratin,
Stokeclimsland, Farmer,
for five years from the date of this Scheme;
William Stanley Perry, of Bridge Farm,
Stokeclimsland, Farmer,
for three years from the said date.

10. 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.

11. 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 the Charity.

12. Determination of trusteeship. - Any Nominative 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 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.

13. 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 council. Any competent Trustee may be re-appointed.

MEETINGS AND PROCEEDINGS OF TRUSTEES.

14. Ordinary meetings. - The Trustees shall hold at least two ordinary meetings in each year.

15. First meeting. - The first meeting of the Trustees shall be summoned by the said rector or if he fails for three calendar months after the date of this Scheme to summon a meeting by any two of the Trustees.

16. 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.

17. 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, 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.

18. Quorum. - There shall be a quorum when three Trustees are present at a meeting.

19. 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.

20. 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 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.

21. 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.

22. Clerk. - 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.

APPLICATION OF INCOME.

23. 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.

24. Application of income. - Subject to payment of the expenses aforesaid the Trustees shall apply the income of the Charity in either or both of the following ways:

- (1) For relief in need in accordance with the provisions hereinafter contained;
- (2) For the advancement of education in accordance with the provisions hereinafter contained.

25. Relief in need. - (1) The Trustees shall apply income of the Charity applicable for relief in need in relieving either generally or individually persons resident in the area of benefit who are in conditions of need, hardship or distress by making grants of money or providing or paying for items, services or facilities calculated to reduce the need, hardship or distress of such persons.

(2) The Trustees may pay for such items, services or facilities by way of donations or subscriptions to institutions or organisations which provide or which undertake in return to provide such items, services or facilities for such persons.

(3) In exceptional cases the Trustees may grant relief to persons otherwise eligible therefor who are resident immediately outside the area of benefit but in the opinion of the Trustees ought nevertheless for sufficient reason to be treated as if resident therein or who are located for the time being therein.

(4) In applying income under the provisions of this clause the Trustees shall not commit themselves to repeat or renew the relief granted on any occasion in any case.

26. Advancement of education. - (1) The Trustees shall apply income of the Charity applicable for advancement of education in advancing the education (including social and physical training) of persons who are under the age of 25 years and in need of financial assistance and who, or at least one of whose parents, are resident in the area of benefit.

(2) The Trustees may provide for such persons -

- (a) scholarships, bursaries and maintenance allowances tenable at any school, university or other educational establishment approved by the Trustees;
- (b) financial assistance, outfits, clothing, tools, instruments or books to assist such persons to pursue their education (including the study of music and other arts), to undertake travel in furtherance thereof and to prepare for and enter a profession, trade or calling on leaving school, university or other educational establishment.

(3) The Trustees may provide financial assistance to any charitable organisation in the area of benefit whose objects include the education or the improvement of the conditions of life of persons under the age of 25 years by developing their physical, mental and moral capacities through leisure-time activities.

(4) In exceptional cases the Trustees may grant assistance to persons otherwise eligible therefor who are resident immediately outside the area of benefit or have attained the age of 25 years but who in the opinion of the Trustees ought nevertheless to be treated as eligible for assistance.

GENERAL PROVISIONS.

27. 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: Provided that

the Trustees from time to time may appoint two or more members of their body to be a committee for dealing with any cases of emergency but all acts and proceedings of committees shall be reported in due course to the Trustees.

28. 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.

29. Charity not to relieve public funds. - The Trustees shall not apply income of the Charity directly in relief of rates, taxes or other public funds but may apply income in supplementing relief or assistance provided out of public funds.

30. 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 Commissioners upon such application made to them for the purpose as they think sufficient.

S C H E D U L E .

£453.17 2½% Consolidated Stock standing in the name of the Official Custodian for Charities.

926.82 Income Shares in the Charities Official Investment Fund.

470 Income Shares in the said Investment Fund (accumulations of income).

This schedule is made up to the 20th August 1977.

Sealed by Order of the Commissioners this 14th day of September 1977.

NOTE

This note has no legal force as part of the scheme but shows the kind of relief that the charity can properly give.

Relief in Need

Charities for relief in need operate in the same field as statutory services; trustees who administer such charities should be careful to avoid repeating or abating those services. Charity trustees should accordingly acquaint themselves with the system of social benefits, the effect upon them of grants from charitable sources and the gaps left by them which can be filled by charitable services or facilities to relieve those in need.

By consulting local officers of the Department of Health and Social Security and those in the Social Services Department of the local authority concerned with persons in need, the trustees may learn what assistance and services these authorities can give in particular circumstances whether by way of special grants or otherwise and may also be able to find out about people living within the charity's area of benefit who have needs which the statutory services are unable to relieve completely. In this way the trustees may ensure that a regular allowance from the charity or the provision of some item or facility will not affect supplementary benefits available from the Department of Health and Social Security in a given case.

Charity trustees should not regard themselves as being confined to giving relief in those cases of need which are also eligible for supplementary benefits or as being limited to providing those items which have been allowed for in calculating the amount of supplementary payments.

The provisions of the Scheme give the trustees a wide choice in the sort of relief that they can give out of the income of the charity so long as the need is clear. Whatever relief they give must be given only to assist the kind of persons mentioned, must be related to the needs of each case, and must be reasonable in the circumstances, taking into account what relief is available from other sources. Some examples follow and others may occur to trustees:

1. Grants of money to or for the benefit of such persons in the form of -
 - (a) weekly allowances for a limited period to meet a particular need, or
 - (b) special payments to relieve sudden distress, sickness, or infirmity, or
 - (c) payment of travelling expenses for such persons entering or leaving hospitals, convalescent homes or similar institutions, or for relatives visiting such persons in such institutions particularly where more frequent visits are desirable than payments from public funds will allow, or
 - (d) subscriptions to secure the admission of such persons (or to benefit such persons when admitted) to almshouses, or to homes or hostels for the residence or care of old, infirm or homeless persons.

2. The provision of items for such persons which may well be -
 - (a) gifts of furniture, bedding, clothing, food, fuel, heating appliances, or
 - (b) loans of expensive apparatus (which may be more appropriate than outright gifts) such as radio or television sets for widows with large families.

3. The provision of facilities for such persons such as -
 - (a) the supply of tools or books or payment of fees for instruction or examination or travelling expenses so as to help them to earn their living, or
 - (b) arrangements for a recuperative holiday or change of air for those long deprived of this.

Further examples follow of the sort of help that can be given in particular when such persons are also old, sick, convalescent, disabled, handicapped or infirm, whether mentally or physically:

4. The provision of items either outright or, if expensive and appropriate, on loan, such as
 - (a) special food, medical or other aids, nursing requisites or comforts;
 - (b) television or radio sets for the lonely, bedridden or housebound;
 - (c) television licences;
 - (d) washing machines suitable for soiled clothing and bed linen.

5. The provision of services such as bathing, escort services, exchange of library books, foot care, gardening, hair washing, shaving, help in the home, house decorating and repairs, laundering, meals on wheels, nursing aid, outings and entertainments, physiotherapy in the home, reading, shopping, sitting-in, tape-recording for the housebound, travelling companions.

6. The provision of facilities such as transportation, or arrangements for a period of rest, recuperating or change of air in or through any convalescent home or other institution or organisation or for temporary relief for those having the care of the person concerned or arrangements for close relatives to visit or care for patients.

The trustees may either pay directly for such items, services or facilities, or advance money to beneficiaries so that they can do so.
