
STATUTORY INSTRUMENTS

1994 No. 1235

CHARITIES

The Charities (The Royal Philanthropic Society) Order 1994

Made - - - - - *6th May 1994*

Coming into force - - - - - *20th May 1994*

Whereas the Charity Commissioners for England and Wales have, in pursuance of subsection (1) of section 17 of the Charities Act 1993(1), 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:

And Whereas a draft of this Order has been laid before Parliament and the period of forty days mentioned in section 6(1) of the Statutory Instruments Act 1946(2) has expired, and neither House of Parliament has within that period resolved that the Order be not made:

Now, therefore, in pursuance of section 17(2) of the Charities Act 1993, I hereby make the following Order:

1. This Order may be cited as the Charities (The Royal Philanthropic Society) Order 1994 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
6th May 1994

Michael Howard
One of Her Majesty's Principal Secretaries of
State

(1) 1993 c. 10.
(2) 1946 c. 36.

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APPENDIX

SCHEME FOR THE ADMINISTRATION OF THE CHARITY KNOWN AS THE ROYAL PHILANTHROPIC SOCIETY

Whereas the Charity known as the Royal Philanthropic Society is now regulated by the following Acts of Parliament:—

1. The Philanthropic Society's Act 1806(3);
2. The Philanthropic Society's Act 1823(4); and
3. The Philanthropic Society's Act 1848(5):

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 1806, 1823 and 1848:

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 by the Charity Commissioners 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

1. Administration of Charity. The Charity known as The Royal Philanthropic Society and its property shall be administered and managed subject to and in conformity with the provisions of this Scheme by the General Committee hereinafter constituted; and, subject to clause 2(1) of this Scheme, the above-mentioned Acts of 1806, 1823 and 1848 shall cease to have effect.

BODY CORPORATE

2. Body corporate.

2.—(1) The Charity shall continue to be a body corporate.

(2) The name of the Charity shall be The Royal Philanthropic Society.

OBJECT

3. Object. The object of the Charity shall be to provide for the supervision, maintenance, education and employment (so far as not prohibited by law) of children and young persons who may benefit from receiving guidance concerning their conduct in society and who may be in danger of becoming offenders under the criminal law or who have already so offended.

MEMBERSHIP

4. Membership.

4.—(1) Any individual of full age who supports the object of the Charity and who applies for membership may, subject to the approval of the General Committee, become a member of the Charity.

(3) 1806 c.xliv.

(4) 1823 c. 18 (Private).

(5) 1848 c.cix.

(2) The annual subscription, unless otherwise set at the Annual Court, shall be £10 or such sum in excess as the member may wish to subscribe and shall be due on the 1st April in each year.

(3) The General Committee shall have the power to grant honorary membership of the Charity to persons who have provided, or may provide, exceptional services to the Charity.

PATRON

5. Patron. The Charity may from time to time in General Court appoint a Patron of the Charity who shall be entitled to hold that position for life.

HONORARY OFFICERS AND GENERAL COMMITTEE

6. *Honorary Officers and General Committee.*—

(1) There shall be the following Honorary Officers of the Charity and such other Honorary Officers as the General Committee may from time to time decide (hereinafter together referred to as “the Officers”):—

A President,

A Vice-President or Vice-Presidents,

A Chairman,

A Vice-Chairman or Vice-Chairmen,

A Treasurer.

(2) The members of the General Committee (hereinafter referred to as the Committee members) shall be the Chairman, the Vice-Chairman or Vice-Chairmen and the Treasurer and not fewer than 3 nor more than 20 elected members.

(3) The President, the Vice-President or Vice-Presidents, the Chairman, or Vice-Chairmen and the Committee members shall be members of the Charity and shall, except at first as hereinafter provided and subject as hereinafter provided for casual vacancies, be elected at the Annual Court. The President and the Vice-President or Vice-Presidents, while members, shall hold office for life and the Committee members shall (subject to the provisions of clause 9 of this Scheme) hold office until the end of the Annual Court next after the date of their election.

(4) No election of a Chairman or Vice-Chairman shall result in his or her holding office for more than four consecutive years, unless a resolution to the contrary has first been passed by the Charity in General Court.

(5) The following persons shall be the first Officers and shall hold office for the following periods respectively:—

The President—The Right Reverend Wilfred Denniston Wood, Bishop of Croydon, of St. Matthew’s House, 100 George Street, in the London Borough of Croydon, for life,

The Vice-President—Hugh Alexander McCalman, of 34 Oakdene Road, Redhill, in the County of Surrey, for life,

The Chairman—Norman Warner, of 8 College Gardens, Dulwich, in the London Borough of Southwark, until the end of the Annual Court next after the date upon which this Scheme comes into effect,

Vice-Chairman—Anna Martin, of 192 Send Road, Woking, in the County of Surrey, until the end of the Annual Court as aforesaid, and

Vice-Chairman—Colonel Archibald Pagan, MBE, of Hillside Lodge, The Drive, Godalming, in the said County, until the end of the Annual Court as aforesaid, and

The Treasurer—Roger Chadder, of 64 Church Road, Wimbledon, in the London Borough of Merton, until the end of the Annual Court as aforesaid.

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(6) The following persons shall be the first Committee members and shall hold office until the end of the Annual Court as aforesaid:—

Angela Margaret Alabaster, of South Pavilion Cottage, Colley Lane, Reigate, in the County of Surrey,

Norman Victor Childs, of 248 Seal Road, Sevenoaks, in the County of Kent,

Joyce Isobel Crosfield, JP, of The White House, Beech Road, Merstham, in the County of Surrey,

Alan Hampson Fogg, of Albury Edge, Rockshaw Road, Merstham, in the said County,

Lettice Elizabeth Lachelin, of The Old Coach House, Coopers Hill Road, Nutfield, in the said County,

Thomas Pierre Hilbery Lachelin, of Nutgrove House, Nutgrove Lane, Chew Magna, in the County of Avon,

Alan Aubrey Smith, of 2 Brownlow Road, Redhill, in the County of Surrey, and

Caroline Whitehead, of 21 Pentlow Street, Putney, in the London Borough of Wandsworth.

7. *Co-opted members.* The General Committee may if it thinks fit co-opt not more than two persons, being members of the Charity, as additional members of the General Committee to hold office until the end of the Annual Court next after the date of their appointment.

8. *Declaration by Officers and Committee members.* No Officer or Committee member shall be entitled to act until after signing in the minute book of the General Committee a declaration of willingness to act in the trusts of this Scheme.

9. *Determination of Committee membership.* Any Committee member 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 General Committee a wish to resign shall cease thereupon to be a Committee member.

10. *Casual vacancies.* The General Committee may fill casual vacancies in their number and (subject to the provisions of clause 9 of this Scheme) the persons so appointed shall be entitled to hold office until the end of the Annual Court next following the date of their appointment.

MEETINGS AND PROCEEDINGS OF GENERAL COMMITTEE

11. *Meetings of the General Committee.* The General Committee shall hold at least four ordinary meetings in each year.

12. *First meeting.* The first meeting of the General Committee shall be summoned by the Chairman or, if he fails for three calendar months after the date on which this Scheme comes into effect to summon a meeting, by any two of the Committee Members.

13. *Chairman.* The Chairman shall be the chairman of meetings of the General Committee but if at any meeting he is not present within ten minutes of the time appointed for holding the same the Committee members present shall choose one of their number to be chairman of the meeting.

14. *Special meetings.* A special meeting of the General Committee may be summoned at any time by the Chairman or any two Committee members upon not less than seven days' notice being given to the other Committee members of the matters to be discussed but if the matters include an appointment of a co-opted Committee member 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.

15. *Quorum.* There shall be a quorum at any meeting of the General Committee when the number of Committee members present is one-third of the multiple of three next above the number of Committee members for the time being.

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16. Voting. Every matter shall be determined by the majority of votes of the Committee members 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 Committee member in any other circumstances shall give more than one vote.

17. Minutes, annual reports and accounts.

17.—(1) A minute book and books of account shall be provided and kept by the General Committee and copies of minutes circulated to all Committee members.

(2) The General Committee shall each year prepare a report on the work and the affairs of the Charity and also cause to be prepared and audited statements of account comprising an income and expenditure account and a balance sheet of the funds and assets of the Charity, made up to a date not more than nine months prior to the Annual Court, which shall be laid before the members of the Charity for consideration.

(3) Statements of account in relation to the Charity shall be prepared and transmitted each year to the Charity 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.

DIRECTOR AND OTHER OFFICIALS

18. Director and other officials. The General Committee may from time to time employ a Director, a Secretary, a Chief Accountant and such other officials as it considers necessary for the proper administration and management of the Charity and may pay to such persons not being Committee members such reasonable remuneration as the General Committee thinks fit.

REPAIR AND INSURANCE

19. Repair and insurance. The General Committee shall keep in repair and insured to the full value thereof against fire and other usual risks all the buildings of the Charity not required to be kept in repair and insured by the occupiers, lessees or tenants thereof and shall suitably insure in respect of public liability.

BENEFIT OF CHARITY

20. Benefit of Charity.—

(1) The General Committee shall first defray out of the income of the Charity the cost of maintaining the property of the Charity (including the repair and insurance of any buildings thereon) and all other charges and outgoings payable in respect thereof and all the proper costs, charges and expenses of and incidental to the administration and management of the Charity.

(2) Subject to payment of the expenses aforesaid, the General Committee shall apply the income and, at its discretion, the whole or part of the property of the Charity in furthering the object of the Charity.

ANNUAL AND GENERAL COURTS

21. Annual Court.—

(1) There shall be an Annual General Meeting in connection with the Charity, to be known as the Annual Court, which shall be held in the month of November in each year or as soon as practicable thereafter.

(2) All members of the Charity shall be entitled to attend and vote at the Annual Court.

(3) The Annual Court shall be convened by the General Committee and notice of every Annual Court shall be given at least one month before the date thereof to each member of the Charity: Provided that any failure to give any such notice as aforesaid shall not, if due to inadvertence, invalidate the Annual Court. The quorum at the Annual Court shall be one third of the multiple of

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three next above the number of members of the Charity or 25 members of the Charity, whichever shall be the less.

(4) The Chairman of the Annual Court shall be the President or failing him a Vice-President chosen, if more than one are present, by the Vice-Presidents present, or failing him the Chairman of the Charity, but if at any meeting none of these persons are present within ten minutes of the time appointed for holding the same the members present shall appoint a chairman of the meeting from among their number before any other business is transacted.

(5) The Annual Court shall—

- (i) Receive the minutes of the previous Annual Court;
- (ii) Receive the annual report and accounts;
- (iii) Elect the Officers (so far as requisite) and the Committee members;
- (iv) Consider any matters raised and any resolutions proposed by the General Committee or by members of the Charity which shall be submitted to the Secretary not less than ten days before the Annual Court.

22. General Court.—

(1) A special meeting of the members of the Charity, to be known as a General Court, shall be summoned upon written request made to the Secretary by not less than five members of the Charity specifying the matters to be discussed.

(2) The Secretary shall give not less than fourteen clear days' notice of a General Court by way of press advertisement and notices to each member of the Charity specifying the matters to be discussed: Provided that any failure to give any such notice as aforesaid shall not, if due to inadvertence, invalidate the General Court.

23. Notice of resolutions. The Secretary shall give not less than 48 hours' notice to all members of the Charity of any resolutions to be considered at an Annual Court or a General Court.

24. Minutes of Court meetings. The Secretary shall keep minutes of all proceedings at Annual or General Courts and shall circulate copies of such minutes to each member of the Charity.

LAND

25. Use of property. Subject as hereinafter provided any land from time to time belonging to the Charity may be appropriated and used by the General Committee in furthering the object of the Charity.

26. Purchase and sale. The General Committee may upon the best terms obtainable without the authority of a further Order of the Charity Commissioners purchase land for use, subject as hereinafter provided, in furthering the object of the Charity and sell any land no longer required for such use.

27. Letting. The General Committee may upon the best terms obtainable without the authority of a further Order of the Charity Commissioners let any part of the land belonging to the Charity not for the time being required for use in furthering the object of the Charity.

INVESTMENT

28. Powers of Investment. The funds of the Charity requiring investment shall be invested at the discretion of the General Committee, without any requirement for a division of assets, in any investments which are for the time being narrower-range or wider-range investments within the meaning of the Trustee Investments Act 1961(6).

(6) 1961 c. 62.

29. *Investment adviser.* The General Committee shall employ and may remunerate an investment adviser being a person or body entitled to carry on investment business under the provisions of the Financial Services Act 1986⁽⁷⁾ which person or body may be the investment managers referred to in clause 30 of this Scheme or any employee of such investment managers.

30. *Investment managers.*—

(1) The General Committee may employ and remunerate an investment manager or investment managers (hereinafter referred to as the managers) being some person or persons or body entitled to carry on investment business under the provisions of the Financial Services Act 1986 and, subject as hereinafter provided, may from time to time delegate to the managers for such period (not exceeding twelve months) as the General Committee thinks fit all or any of the functions, discretions and powers of the General Committee relating to investment including but without prejudice to the generality of the foregoing—

- (a) the day-to-day management of the funds of the Charity including power to buy and sell investments, to operate bank accounts and to borrow (other than borrowing for the purposes of investment);
- (b) the valuation of the property of the Charity;
- (c) the keeping of such accounts as the General Committee may require;
- (d) any matters incidental to any such delegation.

(2) Notwithstanding such delegation—

- (a) the General Committee shall itself decide all matters of policy and what constitutes a matter of policy;
- (b) the managers shall be required to inform the General Committee within fourteen days of each act done in the exercise of the functions, discretions and powers so delegated, to obtain the decision of the General Committee on matters of policy which may arise and to act in accordance with such directions as the General Committee shall give;
- (c) the General Committee may without notice review the terms of any such delegation and may alter or revoke the same at any time notwithstanding that the period of delegation has not expired.

31. *Nominees.* The General Committee may (whether through the investment managers referred to in clause 30 of this Scheme or on their own account) permit the funds and investments of the Charity to be held and dealt with in the names of nominees.

BORROWING

32. *Borrowing.* The General Committee may without the authority of an Order of the Charity Commissioners from time to time borrow such moneys as it considers necessary with or without security upon the best terms obtainable.

GENERAL PROVISIONS

33. *Appropriation of benefits.* The appropriation of benefits of the Charity shall be made by the General Committee at meetings of its body and not separately by any individual Committee member.

34. *Committee members not to be personally interested.* No Committee member shall take or hold any interest in the property of the Charity otherwise than as a Committee member for the purposes thereof and no Committee member shall be interested in the supply of goods or services at the cost of the Charity.

(7) 1986 c. 60.

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35. Questions of construction. Any question as to the construction of this Scheme or as to the regularity or validity of any acts done or about to be done under this Scheme shall in the first instance be referred to the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

Sealed by Order of the Commissioners this 23rd day of February 1994.

L.S.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to a Scheme of the Charity Commissioners for the regulation of the Charity known as The Royal Philanthropic Society.

The Charity was founded in 1788 to care for the poor children of convicted felons and for children who had engaged in criminal practices. It was incorporated by Act of Parliament of 1806, and is now regulated by that Act and further Acts of 1823 and 1848.

The Scheme replaces those Acts. It contains a revised statement of the objects of the Charity, and makes new provision for its administration, including wider powers of investment.