



## CHAPTER xv

An Act to confirm a Scheme of the Charity Commissioners for the application or management of the Charity known as the Hospital of St. Nicholas, in the City of Salisbury. [14th May 1959.]

**W**HEREAS the Charity Commissioners in their Report to Her Majesty of their proceedings during the year one thousand nine hundred and fifty-eight reported that they had approved and certified a Scheme for the application or management of the Charity known as the Hospital of St. Nicholas, in the City of Salisbury:

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: Provided always Confirmation that nothing in this Act or in the said Scheme shall be held to of Scheme. 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 Hospital of St. Nicholas Short title. (Salisbury) Charity Scheme Confirmation Act, 1959.

## SCHEDULE

SCHEME FOR THE APPLICATION OR MANAGEMENT OF THE FOLLOWING  
CHARITY:—

The Charity known as the Hospital of St. Nicholas, in the City of Salisbury, refounded by Letters Patent of 3rd April 8 James I.

1. *Administration of Charity.*—From and after the date of this Scheme 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 Hospital of St. Nicholas.

2. *Dissolution of corporation.*—The corporation of the master or keeper, chaplain, brothers and sisters of St. Nicholas Hospital, in or nigh the city of New Sarum, in the County of Wilts, constituted by the above-mentioned Letters Patent dated 3rd April 8 James I 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. *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 Trustees of Charitable Funds unless the Charity Commissioners otherwise direct.

## TRUSTEES

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

- One Ex-officio Trustee,
- Two Nominative Trustees and
- Two Co-optative Trustees.

6. *Ex-officio Trustee.*—The Ex-officio Trustee shall be the Master for the time being of the Hospital of St. Nicholas.

7. *Nominative Trustees.*—The Nominative Trustees shall be appointed as follows:—

- One by the Lord Bishop for the time being of Salisbury and
- One by the said Master for the time being.

Each appointment shall be made for a term of three years. The name of each person appointed shall be notified forthwith to the Trustees or their clerk.

8. *First Nominative Trustees.*—The first Nominative Trustees shall be appointed as soon as possible after the date hereof and their names shall be notified to the said Master on behalf of the Trustees. At the end of two years from the date of the appointment of the first Nominative 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 re-appointment.

9. *Co-optative Trustees.*—The Co-optative Trustees shall be persons residing or carrying on business in or near the City of Salisbury.

10. *First Co-optative Trustees.*—The following persons residing near the City of Salisbury 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 :—

Elizabeth Tough, of The Beeches, Southwick, in the County of Wilts, Married Woman, for four years from the date of this Scheme ;

The Reverend Charles Patrick Hanna, of Harnham Vicarage, in the City of Salisbury, Clerk in Holy Orders, for five years from the said date.

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 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 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 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.

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 Nominative Trustee shall cause notice thereof to be given as soon as possible to the person entitled to appoint the Nominative Trustee to fill that vacancy. 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 Master or if he fails for three 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 the other Trustees of the matters to be discussed. A special meeting may be summoned to take place immediately after an ordinary meeting.



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 the 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.

#### MANAGEMENT OF LANDS

24. *Allotments Extension Act, 1882*.—The Trustees shall let and otherwise manage in conformity with the provisions of the Allotments Extension Act, 1882, such of the lands belonging to the Charity as are subject to the provisions of section 4 of that Act. The Trustees may set apart and let in allotments in the manner prescribed by and subject to the provisions of the said Act any portion of the land belonging to the Charity other than buildings and the appurtenances of buildings.

25. *Management and letting of lands*.—Subject as aforesaid the Trustees shall let and otherwise manage all the lands belonging to the Charity not required to be retained or occupied for the purposes thereof. Except with the approval of the Charity Commissioners the Trustees shall give public notice of the intention to let any land in such manner as they consider most effectual for ensuring full publicity. The Trustees shall not create any tenancy in reversion after more than three years of any existing term, or for more than 21 years certain, or for less than the best rent obtainable, without the sanction of the Charity Commissioners or a competent court.

26. *Leases*.—The Trustees shall provide that on the grant by them of any lease the lessee shall execute a counterpart thereof. Every lease shall contain covenants on the part of the lessee for the payment of rent the proper cultivation of the land and all other usual and proper covenants applicable to the property comprised therein and a proviso for re-entry on non-payment of the rent or non-performance of the covenants.

27. *Repair and insurance*.—The Trustees shall keep in repair and insure for full value against fire all the buildings of the Charity not required to be kept in repair and insured by the lessees or tenants thereof.

## GENERAL PROVISIONS

28. *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.

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

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

31. *Alteration of Scheme.*—The Charity Commissioners in 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 these provisions had been made by the founder in the case of a Charity having a founder.

32. *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.

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

## SCHEDULE

Description	Extent or amount	Tenant, person liable or persons in whose name invested	Gross yearly income		
			£	s.	d.
The following land in the County of Wilts:—	<i>a. r. p.</i>				
(i) <i>Land in the City of Salisbury:—</i>					
Land with the buildings thereon known as St. Nicholas Hospital.	13 0 0	In hand ... ..	—		
The following land with the buildings thereon known as:—					
31 New Street ... ..	—	Alan Meek Barker ... ..	105	0	0
1 St. Nicholas Road ... ..	—	James Henry Batten ... ..	60	0	0
9 St. Nicholas Road ... ..	—	Mrs. Walbridge ... ..	7	3	0
11 St. Nicholas Road ... ..	—	Mr. Giles ... ..	9	19	4
16 St. Nicholas Road ... ..	—	Mr. Edginton... ..	5	17	0
18 St. Nicholas Road ... ..	—	Mr. Beeton ... ..	25	8	8
Close Laundry ... ..	—	Governors of Salisbury Diocesan Training College.	130	0	0
St. John's Isle ... ..	—	Mrs. Ford-Moore ... ..	52	0	0
11 Crane Bridge Road ... ..	—	W. F. Gullick and Son Limited	125	0	0
(ii) <i>Land at West Harnham:—</i>					
Arable land ... ..	18 0 33	Frederick Charles Mullens ... ..	45	0	0
Grazing land ... ..	3 1 39	R. D. Bowns ... ..	4	10	0
Wayleave ... ..	—	Southern Electricity Board ... ..	2	3	6



## SCHEDULE—continued

Description	Extent or amount			Tenant, person liable or persons in whose name invested	Gross yearly income		
	£	s.	d.		£	s.	d.
(iii) <i>Land at East Harnham</i> :—							
Meadows ... ..	12	1	10	Gwendoline Marian Cooke and Frederick Alan Bowns.	5	0	0
Land ... ..	16	0	0	Herbert Norton Tilley ...	40	0	0
(iv) <i>Land at Broad Hinton</i> :—							
Rectory Farm ... ..	51	1	38	R. W. Horton and Son Limited	140	0	0
Land at Uffcott ... ..	87	2	0	F. S. Horton and Son Limited	170	0	0
Wayleave for poles ... ..	—			Southern Electricity Board ...	12	6	
(v) <i>Land at Broadchalke</i> :—							
Knapp Farm ... ..	227	3	5	A. R. Hitchings and Son Limited.	439	0	0
Wayleave ... ..	—			Southern Electricity Board ...	2	12	0
(vi) <i>Land at Petersfinger</i> :—							
Grazing land known as Gorges Mead.	9	1	11	Henry George James ...	30	0	0
Land at Turnworth in the County of Dorset with the buildings thereon known as Thorncombe Farm.	293	0	0	Walter John Strange... ..	300	0	0
Tithe redemption annuity instalments outstanding.	—			Mrs. Westrop ... ..	4	14	4
Tithe redemption annuity instalments outstanding.	—			J. McGivern ... ..	4	6	0
Tithe redemption annuity instalments outstanding.	—			James Lannen ... ..	2	4	2
	£	s.	d.				
British Transport 4 per cent. Guaranteed Stock, 1972-77.	2,844	13	4	The Official Trustees of Charitable Funds.	113	15	8
3½ per cent. Treasury Stock, 1977-80...	5,054	6	4	do. do.	176	18	0
3 per cent. Redemption Stock, 1986-96	13,336	3	5	do. do.	400	1	8
3 per cent. Savings Bonds, 1960-70 ...	1,649	6	1	do. do.	49	9	6
3 per cent. Savings Bonds, 1965-75 ...	14,557	13	9	do. do.	436	14	6
3½ per cent. Treasury Stock, 1979-81...	1,663	4	0	do. do.	58	4	2
2½ per cent. Consolidated Stock ...	13,006	3	2	do. do.	325	3	0
2½ per cent. Treasury Stock, 1975 or after.	4,125	14	6	do. do.	103	2	10
Accounts established pursuant to Orders of the Charity Commissioners:—							
2½ per cent. Consolidated Stock (Order of 7th November 1922).	254	15	11	do. do.			Accumulating
2½ per cent. Consolidated Stock (Order of 24th July 1936).	1,189	11	0	do. do.			do.
2½ per cent. Consolidated Stock (Order of 6th May 1952).	814	11	0	do. do.			do.
3 per cent. Savings Bonds, 1965-75 (Order of 7th October 1952).	1,339	9	9	do. do.			do.
3½ per cent. Treasury Stock, 1979-81 (Order of 2nd August 1957).	103	13	0	do. do.			do.

Sealed by Order of the Board this 16th day of December 1958.

PRINTED BY SIR 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 6d. net

PRINTED IN GREAT BRITAIN