

1980 No. 1790

CHARITIES

The Charities (Lord Hastings Hospital Trust) Order 1980

Laid before Parliament in draft

Made - - - - 21st November 1980

Coming into Operation 5th December 1980

Whereas the Charity Commissioners for England and Wales have, in pursuance of subsection (1) of section 19 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 that Scheme alters statutory provisions contained in a public general Act of Parliament, namely, an Act for confirming a Scheme of the Charity Commissioners for Stoke Poges Hospital in the County of Bucks, with certain Alterations(b):

And Whereas a draft of this Order has been approved by resolution of each House of Parliament:

Now, therefore, in pursuance of section 19(2) of the Charities Act 1960, I hereby make the following Order:—

1. This Order may be cited as the Charities (Lord Hastings Hospital Trust) Order 1980 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.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

Home Office.

21st November 1980.

(a) 1960 c. 58.

(b) 1856 19 & 20 Vict. c. 111.

APPENDIX

SCHEME FOR THE ADMINISTRATION OF THE CHARITY KNOWN AS THE LORD HASTINGS HOSPITAL TRUST, AT STOKE POGES, IN THE COUNTY OF BUCKINGHAMSHIRE

Whereas the Charity known as the Lord Hastings Hospital Trust, at Stoke Poges, in the County of Buckinghamshire, is now regulated by an Act of Parliament passed on the 17th July 1856 and intituled An Act for confirming a Scheme of the Charity Commissioners for Stoke Poges Hospital in the County of Bucks, with certain Alterations:

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 Act of 1856:

And Whereas pursuant to 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:

And Whereas all the charity trustees were party or privy to the application aforesaid:

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. *Administration of Charity.*—The above-mentioned Charity and the property thereof specified in the Schedule hereto and all other the property (if any) of the Charity shall be administered and managed under the title of the Lord Hastings Hospital Trust subject to and in conformity with the provisions of this Scheme in lieu of the provisions now regulating the Charity, by the body of Trustees hereinafter constituted.

2. *Vesting.*—The land specified in the said Schedule is hereby vested in the Official Custodian for Charities for all the estate and interest therein belonging to or held in trust for the Charity.

3. *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 said Official Custodian unless the Charity Commissioners otherwise direct.

TRUSTEES

4. *Trustees.*—The body of Trustees shall consist of not less than six and not more than eight competent persons being—

One Ex-officio Trustee,

One Nominative Trustee and

Not less than four and not more than six Co-optative Trustees.

5. *Ex-officio Trustee.*—The Ex-officio Trustee shall be the Vicar for the time being of the Ecclesiastical Parish of St. Giles, Stoke Poges.

6. *Nominative Trustee.*—Except at first as hereinafter provided the Nominative Trustee shall be appointed by the Parish Council of Stoke Poges. 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.

7. *First Nominative Trustee.*—The following person shall be the first Nominative Trustee and subject to the provisions hereinafter contained for determination of trusteeship shall be entitled to hold office for four years from the coming into effect of this Scheme:

Edward Charles Hartley, of 3 Cherry Orchard Close, Holly Bush Hill, Stoke Poges, Master Builder.

8. *Co-optative Trustees.*—The Co-optative Trustees shall be persons who through residence, occupation or employment, or otherwise have special knowledge of the Parish of Stoke Poges.

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:

Peter Charles Bryan Carter, of 17 Sefton Paddock, Stoke Poges, Bank Official,
John Edgar Dulley, of Hill Place, Farnham Common, in the County of Buckinghamshire, Company Director,

Dorothy Ellen Harding, of The Old Post Office, Uxbridge Road, Stoke Poges, Retired Postmistress,

all for five years from the coming into effect of this Scheme;

James Nigel Jackaman, of Glebe House, Park Road, Retired Chartered Civil Engineer,

Rosalie Jane Virden, of The Hollies, Holly Bush Hill, Widow,

Charles Jocelyn Parry de Winton, of Elmswell, Firtree Avenue, Retired Journalist, all in Stoke Poges aforesaid,

all for three years from the coming into effect of this Scheme.

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 this Scheme.

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 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 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 James Nigel Jackaman, or if he fails for three calendar months after the coming into effect 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 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.

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.

MANAGEMENT OF LANDS

23. *Management and letting of lands.*—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. The Trustees shall not without the sanction of the Charity Commissioners or a competent court create any tenancy wholly or partly in consideration of a fine or for a term ending more than 22 years after it is granted or for less than the best rent obtainable.

24. *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 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.

PROVISION OF ALMSHOUSES

25. *Provision of almshouses.*—(1) Subject to the approval of the Charity Commissioners the Trustees may at any time provide land and buildings for appropriation as almshouses in accordance with the provisions hereinafter contained.

(2) The Trustees may defray the cost of providing land and buildings for appropriation and use as almshouses as aforesaid out of the income and property of the Charity but nevertheless upon such terms with regard to recoupment of capital expended as the Charity Commissioners by further Order or Orders provide.

INSURANCE

26. *Insurance.*—The Trustees shall insure any almshouses of the Charity to the full value thereof against fire and other usual risks and shall suitably insure in respect of public liability and employer's liability.

APPLICATION OF INCOME

27. *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.

28. *Cyclical Maintenance Fund.*—(1) The Trustees may establish and maintain a reserve fund, to be entitled Cyclical Maintenance Fund, for the purpose of providing for those items of ordinary maintenance and repair of any almshouses belonging to the Charity which recur at infrequent intervals.

(2) The fund may be maintained out of the income of the Charity by setting aside such yearly sum as the Charity Commissioners from time to time approve and may be invested by the Trustees in their own names in trust for the Charity.

29. *Extraordinary Repair Fund.*—Subject to any further Order or Orders of the Charity Commissioners—

- (1) The Trustees shall establish and maintain a reserve fund, to be entitled Extraordinary Repair Fund, for the purpose of providing for the extraordinary repair, improvement or rebuilding of any almshouses belonging to the Charity.
- (2) The fund shall be established and maintained out of the income of the Charity either by transfer to the fund of such yearly sum or in such other manner as the Charity Commissioners from time to time approve or direct.
- (3) The fund and the income therefrom shall be invested in the name of the said Official Custodian.

30. *Application of income.*—(1) Subject to the payments aforesaid the Trustees shall apply the yearly income of the Charity in the first place so far as requisite for the benefit of the residents of such almshouses or any of them in such manner as the Trustees think fit from time to time.

(2) Subject thereto, the Trustees shall apply the said income for relief in need in accordance with the provisions hereinafter contained.

ALMSHOUSES AND RESIDENTS

31. *Almshouses.*—Any almshouses belonging to the Charity and property occupied therewith shall be appropriated and used for the accommodation of residents in conformity with the provisions of this Scheme.

32. *Qualifications of residents.*—The residents shall be poor persons of good character who are not less than 50 years of age and who (except in special cases to be approved by the Charity Commissioners) are inhabitants of the Parish of Stoke Poges.

33. *Contributions.*—The Trustees may make it a condition of appointing or permitting a person to be or remain a resident that he or she shall from resources available to him or her—

- (1) contribute a weekly sum towards the cost of maintaining the almshouses and essential services therein but so that the amount of the weekly sum shall not—
 - (a) be such as to cause hardship to him or her;
 - (b) be more than the amount approved from time to time by the Charity Commissioners;
- (2) contribute towards the cost of lighting and heating the almshouses and providing hot water therein.

34. *Notice of vacancy.*—No appointment of a resident shall be made by the Trustees until a sufficient notice of an existing vacancy specifying the qualifications required from applicants has been published in the Parish of Stoke Poges 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.

35. *Applications for appointment.*—All applications for appointment shall be made to the Trustees or their clerk in such manner as the Trustees direct. Before appointing any applicant to be a resident 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. An applicant may be required to supply evidence of his or her qualification for appointment.

36. *Selection of residents.*—Residents shall be selected only after full investigation of the suitability and circumstances of the applicants.

37. *Appointments of residents.*—Every appointment of a resident shall be made by the Trustees at a special meeting.

38. *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 a resident, the date of every appointment and the date and occasion of every vacancy. They shall also keep a register of all applications for appointment.

39. *Absence from almshouses.*—The Trustees shall require that any resident who desires to be absent from the almshouses for more than 28 days in any one year shall obtain the prior consent of the Trustees or of some officer of the Charity to be nominated by them.

40. *Rooms not to be let.*—No resident 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 allow any person to share the occupation of the same or of any part thereof.

41. *Setting aside appointments.*—(1) The Trustees may set aside the appointment of any resident who in their opinion—

- (a) persistently or without reasonable excuse either disregards the regulations for the residents or disturbs the quiet occupation of the almshouses or otherwise behaves vexatiously or offensively; or
- (b) no longer has the required qualifications; or
- (c) has been appointed without having the required qualifications; or
- (d) is suffering from mental or other disease or infirmity rendering him or her unsuited to remain a resident.

(2) Upon setting aside the appointment of a resident the Trustees shall require and take possession of the room or rooms occupied by him or her.

(3) The Trustees upon recovery of a resident whose appointment has been set aside on account of mental or other disease or infirmity may re-appoint him or her without giving previous notice of the vacancy.

42. *Regulations.*—The Trustees may prescribe from time to time such reasonable regulations as they consider expedient for the management of the almshouses and the welfare of the residents but so that the same shall not be at variance or inconsistent with any of the provisions of this Scheme.

RELIEF IN NEED

43. *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 Parish of Stoke Poges, 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 which may include the provision of day centres for aged persons residing in the said parish.

(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 said parish 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 within that parish.

44. *Restriction.*—In applying income of the Charity for relief in need the Trustees shall not commit themselves to repeat or renew the relief granted on any occasion in any case.

GENERAL PROVISIONS

45. *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.

46. *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 remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

47. *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.

48. *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.

SCHEDULE

Clause 1

Land containing 23.33 acres or thereabouts situate at Stoke Poges in the County of Buckinghamshire known as Hastings Meadow being the land numbered 276 and 277 on the Ordnance Survey map (1938 edition) now let to C. Richens at the yearly rent of £342.

10,422.71 Income Shares in the Charities Official Investment Fund.

6,113 Accumulation Shares in the said Investment Fund.

£1,301.56 cash on deposit account at the branch of National Westminster Bank Limited at 124 High Street, Slough, Berkshire.

£11,000 on special deposit at the said branch of the said bank.

£3,677.26 cash on current account at the said branch of the said bank.

This Schedule is made up to the 22nd September 1979.

Sealed by Order of the Charity Commissioners this 26th day of June 1980.

(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 Charity known as the Lord Hastings Hospital Trust, which was founded by Lord Hastings of Loughborough under the authority of an Act of 1558 (4 & 5. Ph. & M. c. iv) to provide almshouse accommodation for a master and six poor inhabitants of the Parish of Stoke Poges. This Scheme supersedes a Scheme confirmed by an Act of 1856, which at present regulates the Charity.

The former almshouse buildings were sold by the Trustees in 1968. The Scheme provides for the application of the capital of the trust in the provision of almshouses, and for the application of income both for the purposes of almshouses and for relieving need, hardship and distress in Stoke Poges. The Scheme also reconstitutes the body of Trustees and makes new provision for the administration of the Charity.