

Sealed 25th January 1982.



County - Derbyshire.  
Ancient) - Smisby.  
Parish)  
Charities - 1. The Parochial  
Charity.  
2. The Church Charity.

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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 following Charities, in the  
Ancient Parish of Smisby, in the County of  
Derbyshire, constituted by an Order made by the  
Charity Commissioners on the 10th July 1900  
under the Local Government Act 1894 s.75(2), and  
administered upon trusts comprised in a  
conveyance and declaration of trust dated the  
20th September 1794 as affected by the said  
Order:-

1. The Parochial Charity;
2. The Church Charity; 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 Charities:-

S C H E M E .

1. Administration of Charities. - The above-mentioned  
Charities and the property thereof specified in the  
schedule hereto and all other the property (if any) of  
the Charities shall be administered and managed subject  
to and in conformity with the provisions of this Scheme  
by the bodies of Trustees hereinafter constituted and  
appointed respectively.

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2. Investments and cash. - Subject to any further direction of the Charity Commissioners -

- (1) All investments now or at any time belonging to the Charities not already standing in the name of the Official Custodian for Charities shall be transferred to the said Official Custodian;
- (2) All sums of cash now or at any time belonging to the Charities, other than sums of cash needed for immediate working purposes, shall be invested in the name of the said Official Custodian.

PAROCHIAL CHARITY.

TRUSTEES.

3. Trustees. - The body of Trustees of the Parochial Charity shall consist when complete of four competent persons being

Two Nominative Trustees and  
Two Co-optative Trustees.

4. Nominative Trustees. - Except at first as hereinafter provided the Nominative Trustees of the Parochial Charity shall be appointed by the Parish Council of Smisby. 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 of the Parochial Charity or their clerk. The person appointed may be but need not be a member of the council.

5. First Nominative Trustees. - The following persons shall be the first Nominative Trustees of the Parochial Charity and subject to the provisions hereinafter contained for determination of trusteeship shall hold office as if they had been appointed by the council under this Scheme, for the following periods respectively:

Harry Batteson, of The Forties, Forties Lane, Smisby, Environmental Health Officer,  
for four years from the date of this Scheme;  
Joseph Roy Chadfield, of The Mill, Smisby,  
Retired Farmer,  
for two years from the said date.

6. Co-optative Trustees. - The Co-optative Trustees of the Parochial Charity shall be persons who through residence, occupation or employment, or otherwise have special knowledge of the Parish of Smisby.

7. First Co-optative Trustees. - The following persons shall be the first Co-optative Trustees of the Parochial Charity and subject to the provisions hereinafter contained for determination of trusteeship shall hold office for the following periods respectively:

Peter Heap, of Cedarlawns, Forties Lane, Smisby,  
Technical Sales Manager,  
for five years from the date of this Scheme;  
Jeffrey William Barnes, of Downend, Smisby Road,  
Boundary, in the County of Derbyshire,  
Research Administrator,  
for three years from the said date.

8. Future Co-optative Trustees. - Every future Co-optative Trustee of the Parochial Charity 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.



9. Declaration by Trustees. - No person shall be entitled to act as a Trustee of the Parochial Charity 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 that Charity.

10. Determination of trusteeship. - Any Trustee of the Parochial Charity who is absent from all meetings of the Trustees during a period of one year or 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 of that Charity a wish to resign shall cease thereupon to be a Trustee thereof.

11. Vacancies. - Upon the occurrence of a vacancy the Trustees of the Parochial Charity 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.

12. Meetings of Trustees. - The Trustees of the Parochial Charity shall hold at least two ordinary meetings in each year. A special meeting may be summoned at any time by any two Trustees of that Charity upon four days' notice being given to the other Trustees thereof of the matters to be discussed.

13. Quorum. - There shall be a quorum when three Trustees of the Parochial Charity are present at any meeting.

14. Chairman and voting. - At every meeting the Trustees of the Parochial Charity present shall appoint a chairman. 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 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.

15. Minutes and accounts. - A minute book and books of account shall be provided and kept by the Trustees of the Parochial Charity. Statements of account in relation to that 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 that Charity is excepted by order or regulations.

16. General power to make regulations. - Within the limits prescribed by this Scheme the Trustees of the Parochial Charity shall have full power from time to time to make regulations for the management of that Charity and for the conduct of their business including the summoning of meetings, the appointment of a clerk, the deposit of money at a proper bank and the custody of documents.

#### MANAGEMENT OF LANDS.

17. Management and letting of lands. - The Trustees of the Parochial Charity shall let and otherwise manage all the lands belonging to that Charity. The Trustees of that Charity shall not without the sanction of the 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.

18. Leases. - The Trustees of the Parochial Charity 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.

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

APPLICATION OF INCOME.

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

21. Application of income. - (1) Subject to payment of the expenses aforesaid the Trustees of the Parochial Charity shall apply the income thereof (being one half of the yearly income of the endowment thereof as provided by the above-mentioned Order of the 10th July 1900) for charitable purposes for the general benefit of the inhabitants of the Parish of Smisby for which provision is not made out of rates, taxes or other public funds in one or more of the following ways or in such other ways as those Trustees think fit:-

- (a) The relief of the aged, impotent and poor;
- (b) The relief of distress and sickness;
- (c) The provision and support with the object of improving the conditions of life for the said inhabitants in the interests of social welfare of facilities for recreation and other leisure time occupation;
- (d) The provision and support of educational facilities.

(2) The Trustees of the Parochial Charity may apply income for charitable purposes as aforesaid either directly or by way of donations or subscriptions to institutions or organisations which apply the whole or part of their income for such charitable purposes.



CHURCH CHARITY.

22. Trustees. - The Vicar and Churchwardens of the Ecclesiastical Parish of St. James, Smisby, all for the time being and by virtue of their respective offices shall be the Trustees of the Church Charity.

23. Application of income. - The Trustees of the Church Charity shall apply the income thereof in maintaining St. James' Church, Smisby, its churchyard and churchyard gates and in otherwise maintaining the services thereat.

GENERAL PROVISIONS.

24. Appropriation of benefits. - The appropriation of the benefits of the Charities shall be made by the respective bodies of Trustees at meetings of their body and not separately by any individual Trustee or Trustees.

25. Trustees not to be personally interested. - No Trustee shall take or hold any interest in property belonging to the Parochial 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 Charities.

26. 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.

SCHEDULE.

Charity numbered 1 above.

Land containing 19.49 acres or thereabouts situate at Ashby de la Zouch in the County of Leicestershire having a frontage to Smisby Road of 1,340 feet or thereabouts being the land numbered 2234, 2915 and 3400 on the Ordnance Survey map (1960 edition) and known as the Church Lands, now let to Thomas Edward Hopkins at the yearly rent of £560.

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Charity numbered 2 above.

The right to receive one half of the clear yearly income of the above-mentioned Charity numbered 1 under the provisions of the above-mentioned Order of the 10th July 1900.

Note. - The above-mentioned land belonging to Charity numbered 1 is vested in the Official Custodian for Charities by virtue of an Order of the Charity Commissioners of the 8th January 1879 as affected by the provisions of the Charities Act, 1960.

Sealed by Order of the Commissioners this 25th day  
of January 1982.



*R. W. Groves*

ASSISTANT COMMISSIONER