

Sealed 29th July 1994

N117(S)
94

County - , Leicestershire
Ancient)
Parish) - Great Bowden
Charity - The Town Lands

CS(Liv2)
208,505 A/1

Scheme

CHARITY COMMISSION

In the matter of the Charity known as The Town Lands in the Ancient Parish of Great Bowden, in the County of Leicestershire, comprised in a Scheme of the Charity Commissioners of the 19th June 1900; and
In the matter of the Charities Act 1993.

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. (1) The above-mentioned Charity and the property thereof shall be administered and managed subject to and in accordance with the provisions of this Scheme by the Trustees hereinafter appointed.

(2) The name of the Charity shall be the Town Lands (Great Bowden) Charity or such other name as the Trustees from time to time by resolution may decide with the prior approval of the Charity Commissioners.

2. Trustees. The Trustees for the time being of the Market Harborough and Bowdens Charity acting in accordance with their usual procedure shall be the Trustees of the above-named Charity.

3. Application of income. The Trustees shall apply the income of the Charity as follows:

- (1) In applying the said income in or towards the maintenance and repair of the fabric of the Parish Church of the Ecclesiastical Parish of St. Peter and St. Paul, Great Bowden so that in any three year

period the sums so applied do not exceed in aggregate one third of the Charity's total clear income for the said three year period.

- (2) In applying the remainder thereof in augmentation of the income of the Market Harborough and Bowdens Charity in the Urban District of Market Harborough as constituted immediately before the 1st April 1974.

4. Accounts and annual report. (1) Until such time as Part VI of the Charities Act 1993 comes into force, statements of account in relation to the Charity shall be prepared and transmitted to the Commissioners in accordance with the Charities Act 1960, except if and in so far as the Charity is excepted by Order or regulations.

(2) Upon Part VI of the Charities Act 1993 coming into force, the Trustees shall comply with their obligations under that Act with regard to:

- (a) the keeping of accounting records for the Charity;
- (b) the preparation of annual accounts for the Charity;
- (c) the auditing or independent examination of the statements of account of the Charity;
- (d) the transmission of the statements of account of the Charity to the Commissioners; and
- (e) the preparation of an annual report and its submission to the Commissioners.

5. 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.

Sealed by Order of the Commissioners this 29th day of July 1994.

L.S.

Sealed 29th July 1994

N116(S)
94

County - Leicestershire

Ancient)
Parish) - Little Bowden
Charity - The Charity Estate

Ecclesiastical)
Parish) - Market Harborough,
Charity - St. Dionysius
- Town Estate and
Bates' Charity

CS(Liv2)
209,217 A/4

Scheme

CHARITY COMMISSION

In the matter of the following Charities, in the County of Leicestershire:-

1. The Charity called The Charity Estate, in the Ancient Parish of Little Bowden, regulated by a Scheme of the Charity Commissioners of the 25th January 1973;
2. The Charity called The Town Estate and Bates' Charity, in the Ecclesiastical Parish of St. Dionysius, Market Harborough, regulated by a Scheme of the Charity Commissioners of the 16th October 1978; and

In the matter of the Charities Act 1993.

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. (1) The above-mentioned Charities and the property thereof shall be administered and managed together as one Charity (hereinafter

(referred to as the Charity) subject to and in accordance with the provisions of this Scheme by the body of Trustees hereinafter constituted.

(2) The name of the Charity shall be the Market Harborough and Bowdens Charity or such other name as the Trustees from time to time by resolution may decide with the prior approval of the Charity Commissioners.

2. Investment of cash. All sums of cash now or at any time belonging to the Charity, other than sums of cash needed for immediate working purposes, shall be invested in trust for the Charity.

3. Area of benefit. In this Scheme the expression "area of benefit" shall mean the Urban District of Market Harborough as constituted immediately before the 1st April 1974.

TRUSTEES

4. Trustees. (1) The body of Trustees shall consist when complete of eighteen competent persons being -

Three Nominated Trustees and
Fifteen Co-opted Trustees.

(2) The Nominated Trustees shall be selected from persons who have knowledge of the Ecclesiastical Parishes of St. Dionysius, Harborough, Transfiguration and St. Hugh and St. Nicholas, Little Bowden and St. Peter and St. Paul, Great Bowden, respectively.

(3) The Co-opted Trustees shall be persons who through residence, or occupation or employment, or otherwise have special knowledge of the area of benefit.

5. Nominated Trustee. Except at first as hereinafter provided the Nominated Trustee shall be appointed by the Harborough District Council. 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 body. 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 body.

6. First Nominated Trustees. The following persons shall be the first Nominated Trustees and subject to the provisions hereinafter contained for determination of trusteeship shall hold office as if they had been appointed by the respective appointing bodies under this Scheme, for the following periods respectively:

Raymond John Clarke, of 6 Latimer Close, Little Bowden, and
Reverend Ian William Young Gemmell, of The Vicarage, Dingley Road,
Great Bowden,

both for four years from the date of this Scheme;

Joan Anna Williams, of The Croft, 31 Leicester Road, Market
Harborough,
for two years from the said date.

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

Marjorie Felicite Adcock, of 93 Fairfield Road, Market Harborough,
Anne Bowles, of The Laurels, Manor Road, Market Harborough,
Norman Clifford Andre Davey, of 79 Main Street, Market Harborough,
Terence William Duckham, of 5 Glebe Road, Market Harborough,
David Kemp, of 104 Main Street, Market Harborough, and
Brian Marshall, of 67 Northampton Road, Market Harborough,
all for five years from the date of this Scheme;
Audrey Virginia Dowley, of Nether Green Lodge, Market Harborough,
Orman de Rousset Hall, of 44 Great Bowden Road, Market Harborough,
David Hobbs, of 70 Lubenham Hill, Market Harborough,
Benjamin Ronald Johnson, of 101 The Headlands, Market Harborough,
Dorothy Moseley, of 23 Burnmill Road, Market Harborough, and
Mark Stamp, of The Manor House, Kettering Road, Market Harborough,
all for three years from the said date;
George Stamp, of 29 Burnmill Road, Market Harborough,
Adrian Fenwick Trotter, of 63 Knights End Road, Market Harborough,
and
Peter Howard Wilson, of 11 Bramley Close, Market Harborough,
all for one year from the said date.

8. Future Co-opted Trustees. Every future Co-opted 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-opted 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 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.

10. Determination of trusteeship. A Trustee shall cease to be a Trustee if he or she:

- (1) is disqualified from acting as a Trustee by virtue of section 72 of the Charities Act 1993; or
- (2) becomes incapable (in the opinion of the Trustees) by reason of illness, injury or mental disorder of managing his or her own affairs;
or

- (3) is absent without the permission of the Trustees from all their meetings held within a period of six months and the Trustees resolve that his or her office be vacated; or
- (4) gives not less than one month's notice in writing of his or her intention to resign (but only if at least five Trustees will remain in office when the notice of resignation is to take effect); or
- (5) ceases to possess the qualification mentioned in clauses 4(2) and 4(3) of this Scheme.

11. 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 Nominated Trustee shall cause notice thereof to be given as soon as possible to the proper appointing body. Any competent Trustee may be re-appointed.

MEETINGS AND PROCEEDINGS OF TRUSTEES

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

13. First meeting. The first meeting of the Trustees shall be summoned by the said Orman de Rousset Hall or if he fails for three calendar months after the date of this Scheme to summon a meeting by any two of the Trustees.

14. 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.

15. 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-opted 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.

16. Quorum. There shall be a quorum when five Trustees are present at a meeting.

17. 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.

18. Minutes. The Trustees shall keep, in books maintained for the purpose, minutes of the proceedings of their meetings.

19. Accounts and annual report. (1) Until such time as Part VI of the Charities Act 1993 comes into force, statements of account in relation to the Charity shall be prepared and transmitted to the Commissioners in accordance with the Charities Act 1960, except if and in so far as the Charity is excepted by Order or regulations.

(2) Upon Part VI of the Charities Act 1993 coming into force, the Trustees shall comply with their obligations under that Act with regard to:

- (a) the keeping of accounting records for the Charity;
- (b) the preparation of annual accounts for the Charity;
- (c) the auditing or independent examination of the statements of account of the Charity;
- (d) the transmission of the statements of account of the Charity to the Commissioners; and
- (e) the preparation of an annual report and its submission to the Commissioners.

20. Annual return. The Trustees shall comply with their obligations under the Charities Act 1993 with regard to the preparation of an annual return and its transmission to the Commissioners.

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. Steward. The Trustees may appoint as clerk to be called "Steward" one of their number without remuneration who shall be dismissable 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 LAND

23. Management and letting of lands. The Trustees shall let and otherwise manage all the land belonging to the Charity not required to be retained or occupied for the purposes thereof which lands are specified in the schedule hereto subject to such consents as are required by law. Except with the approval of the 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.

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.

25. Repair and insurance. The Trustees shall keep in repair and insure 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 lessees or tenants thereof and shall suitably insure in respect of public liability.

26. Sale. The Trustees may subject to such consents as are required by law sell the whole or any part of the said land not required to be retained or occupied as aforesaid, and may do and execute all proper acts and assurances for carrying any such sale into effect.

27. Proceeds of Sale. Unless the Commissioners otherwise direct the clear proceeds of any such sale as aforesaid shall be invested in trust for the Charity.

ERECTION OF FURTHER ALMSHOUSES

28. Erection of further almshouses. The Trustees may erect further almshouses on land already in the ownership of the Charity or land purchased for that purpose to be appropriated and used for the residence of almspeople who qualify in accordance with the provisions hereinafter contained.

APPROPRIATION OF LAND

29. Appropriation of land. The land numbered 2 in the said schedule shall be appropriated and used as an open space for the use of the inhabitants of the area of benefit with the object of improving the conditions of life for the said inhabitants.

APPLICATION OF INCOME

30. Expenses of management. The Trustees 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.

31. Cyclical Maintenance Fund. (1) The Cyclical Maintenance Fund constituted by an Order of the Charity Commissioners of the 30th November 1979 shall be maintained out of the income of the Charity by setting aside such annual sum as the Trustees think sufficient for the purpose.

(2) Income of the Charity which is attributable to the Fund shall constitute part of the Fund.

32. Extraordinary Repair Fund. Subject to any further Order or direction of the 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 and rebuilding of the almshouses belonging to the Charity.
- (2) The Fund shall be established with the 1084 Accumulation Shares in the National Association of Almshouses Common Investment Fund specified in the said schedule and standing to the credit of the Extraordinary Repair Fund established pursuant to the provisions of the above-mentioned Scheme of the 25th January 1973.
- (3) The Fund shall be maintained out of the income of the Charity by transfer to the Fund of such annual sum sufficient for the purpose of the Fund unless the Commissioners otherwise direct.
- (4) Income of the Charity which is attributable to the Fund shall constitute part of the Fund.
- (5) The Trustees may at any time apply the Fund, or any part of it, for its purposes, but in so far as the Fund is not so applied it shall be invested in trust for the Charity.

33. Application of income. Subject to the payments aforesaid the Trustees shall apply the income of the Charity in either or both of the following ways:

- (1) For such charitable purposes for the general benefit of the inhabitants of the area of benefit as the Trustees think fit for which provision is not made out of rates, taxes or other public funds.
- (2) For relief in need in accordance with the provisions hereinafter contained.

RELIEF IN NEED

34. Relief in need. (1) The Trustees shall apply income of the Charity which may be 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 relieve 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 said area 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 the area of benefit.

35. Restrictions. In applying income of the Charity for relief in need the Trustees shall observe the following restrictions:

- (1) They shall not apply any part of the income directly in relief of rates, taxes or other public funds but may apply income in supplementing relief or assistance provided out of public funds.
- (2) They shall not commit themselves to repeat or renew the relief granted on any occasion in any case.

ALMSHOUSES AND RESIDENTS

36. Almshouses. The almshouses belonging to the Charity and the property occupied therewith numbered 1 in the said schedule shall be appropriated and used for the accommodation of residents in conformity with the provisions of this Scheme.

37. Saving for existing residents. Appointments of residents under this Scheme shall be made without prejudice to the interests of the existing residents.

38. Qualifications of residents. The residents shall be poor persons who (except in special cases to be approved by the Commissioners) are inhabitants of the area of benefit.

39. Contributions. The Trustees may make it a condition of appointing or permitting persons to reside that they shall from resources available to them -

- (1) contribute a weekly sum towards the cost of maintaining the almshouses and essential services in them but the amount of the weekly sum shall not be such as to cause hardship;
- (2) contribute towards the cost of lighting and heating the almshouses and providing hot water therein.

40. 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 area of benefit 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 among the same class of residents has been published. Notices may be according to the form annexed hereto.

41. 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.

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

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

44. 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.

45. 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.

46. 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 any part thereof.

47. Superintendent. The Trustees may appoint a superintendent to perform such duties as may be necessary for the superintendence and care of the residents at such reasonable salary and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit and may allot to the superintendent a room or rooms in the almshouses as a residence while he or she holds office as superintendent.

48. 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.

49. 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.

GENERAL PROVISIONS

50. 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.

51. 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.

52. 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.

53. 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.

FORM OF NOTICE

The Charity

A residence is available for
resident in

in need

Apply for details to

SCHEDULE

1. Land containing 5,040 square yards or thereabouts situate at Market Harborough in the County of Leicestershire with the cottages known as 1 to 12 Scotland End, Scotland Road standing on part thereof.

2. Land containing 200 square yards or thereabouts being the site of the buildings formerly known as 3 and 5 Church Walk Market Harborough in the County of Leicestershire.

1084 Accumulation Shares in the National Association of Almshouses Common Investment Fund standing in the books of the Official Custodian for Charities (Extraordinary Repair Fund).

Notes. The above-mentioned land is vested in the said Official Custodian by virtue of the above-mentioned Scheme of the Commissioners of the 25th January 1973.

Sealed by Order of the Commissioners this 29th day of July 1994.

L.S.