

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Order that from today, the

10TH JANUARY 2002

the following

SCHEME

will govern the charity

known as

BRIGG SIR JOHN NELTHORPE SCHOOL FOUNDATION (532330)

at

Brigg, North Lincolnshire

Commissioners' References:

Sealing: N7(S)

02

Case No: 34473

1. Definitions

In this scheme:

“the charity” means the charity identified at the beginning of this scheme.

“the trustees” means the trustees of the charity and trustee means one of the trustees.

“the school” means any school currently administered by the charity.

ADMINISTRATION

2. Administration

The charity is to be administered in accordance with this scheme. This scheme replaces the former trusts of the charity.

3. Name of the charity

The name of the charity is Brigg Sir John Nelthorpe School Foundation.

OBJECT

4. Object of the Charity

- (1) The object of the charity is the provision of items, services and facilities for the School.
- (2) If and in so far as the income or property of the charity cannot be applied towards the object above it may be applied in promoting the education of persons who are in need of financial assistance in the following order of priority:
 - (a) persons who are attending the School; and
 - (b) persons under the age of 25 who have at any time attended the School.

POWERS OF THE TRUSTEES

5. Powers of the trustees

In addition to any other powers which they have, the trustees may exercise the following powers in furtherance of the objects of the charity:

- (1) Power to make rules and regulations consistent with this scheme for the management of the charity.
- (2) Power to delegate the performance of any act, including the exercise of any power or discretion, to a committee consisting of any two or more of the

trustees. (The trustees must exercise reasonable supervision over the committee and the committee must promptly report their acts and proceedings to the trustees.)

- (3) Power to sell, lease or otherwise dispose of all or any part of the charity's property which is not required by clause 4 above to be retained for use for the objects of the charity. (The trustees must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the sale, lease or disposal is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.)
- (4) Power to insure against public liability and, if appropriate, employers' liability; and to insure the buildings of the charity to their full value against fire and all other usual risks (except to the extent that the buildings are insured against any of these risks by a tenant).
- (5) Power to acquire or hire property and to maintain and equip it for use. (The property must be needed to further the objects of the charity.)

TRUSTEES

6. Trustees

- (1) There should be:

2 ex officio trustees
4 nominated trustees and
5 co-opted trustees

appointed in accordance with clauses 7, 8 and 9.

- (2) The first nominated and co-opted trustees are the persons listed in parts 1 and 2 of the schedule to this scheme. Subject to clause 13 (termination of trusteeship) they will hold office for the periods shown in the schedule.

7. Ex officio trustees

The ex officio s will be the Lord of the Manor of Scawby and the Chairman for the time being of the Governors of the School. Provided that the said Lord of the Manor may, by writing under his hand duly notified to the trustees, from time to time delegate his office as trustee to some other fit person for such period, not being longer than the person so delegating shall remain Lord of the Manor, as he shall specify.

8. Nominated trustees

- (1) The nominated trustees must be appointed as follows:

One by the North Lincolnshire Council as Local Education Authority

One by the Brigg Town Council

One by the Parents of pupils at the School and

One by the Briggensian Association.

- (2) Any appointment must be made at a meeting held according to the ordinary practice of the appointing body.
- (3) Each appointment must be made for:
 - (a) 4 years; or
 - (b) if the appointment is being made to fill a casual vacancy, the unexpired term of the appointee's predecessor.
- (4) The appointment will be effective from the later of:
 - (a) the date of the vacancy; or
 - (b) the date on which the trustees or their secretary or clerk are informed of the appointment.

The person appointed need not be a member of the relevant appointing body.

If whenever a vacancy in the office of Representative trustee the appointing body shall not within three months from the date of such occurrence appoint a duly qualified person to fill such vacancy, the vacancy may be filled for that occasion by the trustees.

9. Co-opted trustees

- (1) The appointment of a co-opted trustee must be made by the trustees at a special meeting called under clause 17.
- (2) An appointment may, but need not, be made before the date on which the term of office of an existing co-opted trustee comes to an end, to take effect on that date. In these circumstances:
 - (a) the appointment may not be made more than 3 months before the date on which the existing co-opted trustee's term of office is due to end; and
 - (b) any co-opted trustee whose term of office is about to come to an end must not vote in favour of their own re-appointment.
- (3) Each appointment must be for a term of 4 years.

10. New trustees

The trustees must give each new trustee, on their first appointment:

- (1) a copy of this scheme and any amendments made to it;

- (2) a copy of the charity's latest report and statement of accounts.

11. Register of trustees

- (1) The trustees must keep a register of the name and address of every trustee and the dates on which their terms of office begin and end. Every trustee must sign the register before acting as a trustee, whether on their first appointment or on any later re-appointment.
- (2) The trustees must promptly report any vacancy in the office of nominated trustee to the body entitled to appoint the trustee.

12. Trustees not to have a personal interest

Except with the prior written approval of the Commissioners no trustee may:

- (1) receive any benefit in money or in kind from the charity;
- (2) have a financial interest in the supply of goods or services to the charity; or
- (3) acquire or hold any interest in property of the charity (except in order to hold it as a trustee of the charity).

13. Termination of trusteeship

A trustee will cease to be a trustee if he or she:

- (1) is disqualified from acting as a trustee by section 72 of the Charities Act 1993; or
- (2) is not an ex officio trustee and is absent without the permission of the trustees from all their meetings held within a period of 12 months and the trustees resolve that his or her office be vacated; or
- (3) gives not less than 1 month's notice in writing of his or her intention to resign (but only if at least 4 trustees will remain in office when the notice of resignation is to take effect).

OFFICERS

14. Chairman

- (1) At their first ordinary meeting in each year the trustees must elect from their number a chairman and a vice chairman of their meetings.
- (2) The trustees present at a meeting must elect one of their number to chair the meeting if both the chairman and the vice chairman are not present or the office of chairman and vice chairman are both vacant.

15. Secretary or clerk

The trustees may appoint a secretary or clerk. The office may be held by:

- (1) a trustee (who must not receive any reward for acting and who may be dismissed as secretary or clerk at any time); or
- (2) some other suitable person (who may be employed upon such reasonable terms, including terms as to notice, as the trustees think fit).

MEETINGS OF TRUSTEES

16. Ordinary meetings

- (1) The first meeting after the date of this scheme must be called by the Clerk to the Foundation trustees or, if he does not do so within 3 months from that date, by any 2 trustees.
- (2) The trustees must hold at least 2 ordinary meetings in each 12 month period.
- (3) Ordinary meetings require at least 10 days' notice.
- (4) The chairman, or any 2 trustees, may call an ordinary meeting at any time.

17. Special meetings

- (1) The chairman, or any 2 trustees, may call a special meeting at any time.
- (2) Special meetings require at least 4 days' notice, except that meetings to consider:
 - (a) the appointment of a co-opted trustee, or
 - (b) the amendment of this scheme under clause 24,require at least 21 days' notice.
- (3) The notice calling a special meeting must include details of:
 - (a) the business to be transacted at the meeting; and
 - (b) any amendment to be made to this scheme (under clause 24).
- (4) A special meeting may, but need not, be held immediately before or after an ordinary meeting.

18. Quorum

No business may be transacted at a meeting unless at least 4 trustees are present.

19. Voting

- (1) Subject to the power contained in clause 5(2) of this scheme, every matter must be decided by majority decision of the trustees present and voting at a duly convened meeting of the trustees.
- (2) The chairman of the meeting may cast a second or casting vote only if there is a tied vote.

20. Recording of meetings

The trustees must keep a proper record of their meetings.

21. Trustees to act jointly

The trustees must exercise their powers jointly, at properly convened meetings.

CHARITY PROPERTY

22. Use of property

The land identified in part 3 of the schedule to this scheme must be retained by the trustees for use as a voluntary school within the meaning of the Education Acts.

23. Use of income and capital

- (1) The trustees must first apply:
 - (a) the charity's income; and
 - (b) if the trustees think fit, expendable endowment;

in meeting the proper costs of administering the charity and of managing its property and making payments to the governors of the School to be used by them in discharging their obligations under the Education Acts with respect to the maintenance of the School.

After payment of these costs, the trustees must apply the remaining income in furthering the object of the charity.

Any income of the Foundation not applied by the Trustees in any year may be retained by them for application in any succeeding year for the above prescribed objects or any of them.

- (2) The trustees may also apply for the object of the charity:
 - (a) expendable endowment; and
 - (b) permanent endowment, but only on such terms for the replacement of the amount spent as the Commission may approve by order in advance.

AMENDMENT OF SCHEME

24. Amendment of scheme

- (1) Subject to the provisions of this clause, the trustees may amend the provisions of this scheme.
- (2) Any amendment must be made by a resolution passed at a special meeting of the trustees. The notice of the special meeting must include notice of the resolution, setting out the terms of the amendment proposed.
- (3) The trustees must not make any amendment which would:
 - (a) vary this clause;
 - (b) vary the definitions clause and clause 4 of this scheme (the objects clause).
 - (c) confer a power to dissolve the charity;
 - (d) enable them to spend permanent endowment of the charity.
- (4) The trustees must obtain the prior written approval of the Commissioners before making any amendment which would:
 - (a) affect the composition of the trustees or the terms on which they hold office;
 - (b) vary clause 12 of this scheme (Trustees not to have a personal interest);
 - (c) vary the name of the charity;
 - (d) vary the trustees' powers of investment.
- (5) The trustees must:
 - (a) promptly send to the Commissioners a copy of any amendment made under this clause; and
 - (b) keep a copy of any such amendment with this scheme.

GENERAL PROVISIONS

25. Questions relating to the Scheme

The Commissioners may decide any question put to them concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.

SCHEDULE

PART 1

Nominated governors

Name	Term of office
Anthony James Knight	4 Years
Bryan Maxted Robins	3 Years
John Hastings	2 Years
Sheila Jane Wright	1 Year

PART 2

Co-opted governors

Name	Term of office
Peter Frederick Gray	4 Years
Anne Barbara Kernon	3 Years
Kenneth Stanley Proctor	2 Years
Robin James Harry Sumpter	1 Year
Brian Taylor	1 Year

PART 3

Charity land

1. The following land at Brigg in the County of North Lincolnshire:
 - a) The Sir John Nelthorpe School including the buildings and playing fields
 - b) Land containing 330.27 square metres with a frontage to Grammar School Road, Brigg.
 - c) Land containing 235.79 square metres with a frontage to Grammar School Road, Brigg
2. Land at Ulceby, North Lincolnshire containing 302866.73 square metres.
2. Land at Tumby Woodside, Lincolnshire containing 97124.55 square metres.

Note

The lands belonging to the Charity are vested in the Official Custodian for Charities by a Scheme of 23rd October 1877 and Orders of 30th August 1921 and 6th December 1929, as affected by the provisions of the Charities Act 1960.