

Sealed 25th October 1991

N214(S)
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County - North Yorkshire
Place - Appleton Wiske
Charity - Proceeds of sale of former
Appleton Wiske County
Primary School

CD(Liv2)
603,615

Scheme including appointment of
Trustees

CHARITY COMMISSION

In the matter of the Charity consisting of the proceeds of sale of the former Appleton Wiske County Primary School, at Appleton Wiske, in the County of North Yorkshire, comprised in an assignment of lease dated the 15th November 1872; 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 Charity:-

SCHEME

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 body of Trustees hereinafter appointed.

(2) The name of the Charity shall be the Appleton Wiske Educational Foundation 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.

TRUSTEES

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

Four Nominated Trustees and
One Co-opted Trustee.

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(2) The Co-opted Trustee shall be a person who through residence, or occupation or employment, or otherwise has special knowledge of the Parishes of Appleton Wiske East Rounton, West Rounton and Picton.

4. Nominated Trustees. (1) Except at first as hereinafter provided the nominated Trustees shall be appointed as follows:-

One by North Yorkshire County Council as local education authority
One by Appleton Wiske Parish Council,
One by Picton Parish Council, and
One by Rountons Parish Council.

(2) Every Nominated Trustee appointed by the County Council shall be appointed for a term of office ending on the date of the appointment of his successor (which may be made at any time after the date next following his appointment on which members of the County Council ordinarily retire).

(3) Except at first as hereinafter provided every other Nominated Trustee shall be appointed for a term of four years.

(4) Each appointment of a Nominated Trustee shall be made 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.

5. 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:

As appointee of North Yorkshire County Council -

Douglas John Dennis, of North Farm, Kirby Sigston, Northallerton, in the County of North Yorkshire,
until the appointment of his successor;

As appointee of Appleton Wiske Parish Council -

Ken Blackwood, of 33 Hunters Ride, Appleton Wiske, in the said for four years from the date of this Scheme;

As appointee of Picton Parish Council -

William Arthur Robinson, of Ashlea, Picton, in the said county,
for two years from the said date; and

As appointee of the Rountons Parish Council -

Joan Tunstall, of School House Farm, West Rounton, Northallerton, in the said county,
for one year from the said date.

6. First Co-opted Trustee. The first Co-opted Trustee shall be appointed as soon as possible after the date hereof and subject to the provisions hereinafter contained for determination of trusteeship shall hold office for five years from the date of his or her appointment.

7. 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.

8. 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.

9. Determination of trusteeship. Any Trustee who is absent from all meetings of the Trustees during a period of one year or 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 a wish to resign shall cease thereupon to be a Trustee.

10. 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

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

12. First meeting. The first meeting of the Trustees shall be summoned by the said Ken Blackwood or if he fails for three calendar months after the date of this Scheme to summon a meeting by any two of the Trustees.

13. 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.

14. 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.

15. Quorum. There shall be a quorum when three Trustees are present at a meeting.

16. 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.

17. 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 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.

18. 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 appointment of a clerk, the deposit of money at a proper bank and the custody of documents.

APPLICATION OF INCOME

19- Expenses of management. The Trustees shall first defray out of the income of the Charity all the proper costs, charges and expenses of and incidental to the administration and management of the Charity.

20. Application of income (1) Subject to payment of the expenses aforesaid the Trustees shall apply the income of the Charity in one or both of the following ways:-

(a) In promoting the education (including social and physical training) of persons under the age of 25 years who are resident or who have a parent resident in the area comprising the Parishes of Appleton Wiske, East Rounton, Picton and West Rounton and who are in need of financial assistance and in particular but without prejudice to the generality of the foregoing:-

- (i) in awarding to such persons scholarships, exhibitions, bursaries, maintenance allowances or grants tenable at any school, university, college of education, or other institution of further (including professional and technical) education approved for the purpose by the Trustees;
- (ii) in providing financial assistance, outfits, clothing, tools, instruments or books to assist such persons to pursue their education (including the study of music and other arts), to undertake travel in furtherance thereof, or to prepare for or enter a profession, trade, occupation or service on leaving school, university, or other educational establishment.

- (b) In or towards providing such special benefits of any kind not normally provided by the local education authority for Appleton Wiske County Primary School as may from time to time be agreed between the Trustees and the Governors of that School after consultation with the said authority.

(2) Within the limits prescribed by this Scheme the Trustees shall have full power to make rules for the award of scholarships, exhibitions, bursaries, maintenance allowances and other benefits, including rules as to the value and period of tenure of the awards and the qualifications, method of ascertainment and selection of candidates for benefit.

(3) The Trustees shall have regard to the desirability of consulting the local education authority as to their general action under sub-clause (1) of this clause and, if occasion requires, as to the educational qualifications of candidates for benefit.

GENERAL PROVISIONS

21. 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.

22. Trustees not to be personally interested. No Trustee shall receive remuneration or be interested in the supply of work or goods, at the cost of the Charity.

23. 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.

24. 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 25th day of October 1991.

L.S.