

SCHEME MADE BY THE SECRETARY OF STATE FOR EDUCATION AND SCIENCE UNDER SECTION 18 OF THE CHARITIES ACT 1960.

### The Foundation.

1. In this Scheme the expression "The Foundation" means the Foundation known as the Poor's Land Charity, in the Ancient Parish of Oadby, in the County of Leicester, originally comprising a plot of land in the said Parish allotted as "the Poor's Plot" under an Inclosure Award dated 20th June 1760 and held for educational purposes by virtue of an Order made in the High Court of Chancery on 7th December 1838, and whereof the endowment now consists of the property specified in the Schedule to this Scheme, including the invested sale proceeds of the said plot of land.

### Administration and Title.

2. The Foundation and its endowment (including the particulars specified in the Schedule to this Scheme) shall be administered by the body of Trustees hereinafter constituted in accordance with the provisions of this Scheme under the name of THE OADBY EDUCATIONAL FOUNDATION.

### Trustees.

3. (1) The body of Trustees of the Foundation shall, when complete, and except as in this Scheme provided, consist of eleven persons, that is to say:

THREE Ex-officio Trustees, being the Vicar and Churchwardens for the time being of the Ecclesiastical Parish of Oadby;

*A member of the clergy team nominated by the Rector and two lay people nominated by the churchwardens from the parishes Oadby.*

SIX Representative Trustees, to be appointed:  
Four by the Oadby Urban District Council, and  
Two by the Leicestershire County Council (acting as Local Education Authority)

*Oadby & Wigston Borough council has replaced Oadby UDC. The County Council has withdrawn as the LEA, replaced by two additional co-optative Trustees*

TWO Co-optative Trustees, to be appointed by resolution of the Trustees for the time being in office.

(2) A Representative Trustee need not be a member of the appointing body.

(3) Every Trustee to be 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 ordinary day of retirement of County Councillors next after his appointment and the other Representative Trustees shall be appointed each for a term of three years, and the Co-optative Trustees each for a term of five years.

(4) The constitution of the body of Trustees as specified in this clause may, on the application of the Trustees, be altered from time to time by an Order of the Secretary of State for Education and Science (hereinafter called "the Secretary of state").

### First Trustees and Meeting.

4. (1) The first Representative Trustees shall be appointed as soon as possible after the date of this Scheme and their names shall be notified to Robert D. Bennett Esq., of "Southcroft" 2, Meadowcroft Road, Leicester, on behalf of the Trustees.

(2) The first meeting of the Trustees under this Scheme shall be summoned by the said Robert D. Bennett, Esq., as soon as conveniently may be after the date of this Scheme or, if he fails to summon a meeting for two months after that date, by any two Trustees.

(3) The first Co-optative Trustees shall be appointed, either at the first meeting of the Trustees under this Scheme or as soon as may be practicable thereafter, by the other Trustees then in office.

### Declaration by Trustees.

5. No person shall be entitled to act as a Trustee, whether on a first or any subsequent entry into office, until he has signed a declaration of acceptance and of willingness to act in the trusts of this Scheme.

### Trustees not to be personally interested in the Foundation.

6. Except in special circumstances, with the approval in writing of the Secretary of State, no Trustee shall take or hold any interest in any property belonging to the Foundation, otherwise than as a trustee for the purposes thereof, or receive any remuneration, or be interested in the

supply of work or goods, at the cost of the Foundation.

### **Determination of Trusteeship.**

7. Any Representative or Co-optative Trustee who is absent from all meetings of the Trustees during a period of one year, except for a reason approved by the Trustees, and any Trustee who is adjudicated a bankrupt, or who is incapacitated from acting or who communicates in writing to the Trustees a wish to resign, shall thereupon cease to be a Trustee.

### **Vacancies.**

8. (1) Every vacancy in the office of Representative or Co-optative Trustee shall as soon as possible be notified to the proper appointing body or filled by the Trustees as the case requires, and any competent Trustee may be re-appointed.  
(2) A Representative Trustee appointed to fill a casual vacancy shall hold office only for the unexpired term of office of the Trustee in whose place he is appointed.

### **Meetings of Trustees**

9. The trustees shall hold ordinary or stated meetings at least twice each year and a special meeting may at any time be summoned by any two trustees upon seven clear days' notice being given to the other Trustees of the matters to be discussed.

### **Chairman and Vice-Chairman**

10. (1) The Trustees shall at their first meeting in each year elect two of their number to be respectively Chairman and Vice-Chairman of their meetings during the year. The Chairman and Vice-Chairman shall always be eligible for re-election.  
(2) If the Chairman of the Trustees is absent from any meeting, the Vice-Chairman if present shall preside and if both the Chairman and Vice-Chairman are absent, the Trustees will, before any other business is transacted, choose one of their number to be Chairman of that meeting.

### **Quorum and Voting.**

11. (1) There shall be a quorum when four Trustees are present at a meeting and every matter shall be determined by the majority of the Trustees present and voting on the question.  
(2) In case of equality of votes the Chairman of the meeting shall have a second or casting vote.

### **Application of Income.**

12. After payment of any expenses of administration, the net yearly income of the Foundation shall be applied by the Trustees in the manner and to the objects hereinafter prescribed.

### **Payment for Benefit of Poor.**

13. The Trustees may in each year apply a sum of not more than £200 or such other sum as is equivalent to a proportion of 5 per cent. of the net annual income of the Foundation for that year, whichever is the higher amount in making payments for the provision, through the medium of appropriate local voluntary organisations in the Urban District of Oadby, of benefits for poor persons resident in the beneficial area. Such payments shall be disbursed under such arrangements as may from time to time be agreed upon between the Trustees and the Oadby Old People's Welfare Committee, the Oadby Old People's Fete Committee, and the Trustees for the time being of the eleemosynary Charity at Oadby called or known as Cartwright and others Charity. The agreed arrangements may provide for the benefits so provided to consist either of the supply of articles in kind or the making of grants of money, but in either case in such manner as will secure that no part of the payments contributed out of the funds of the Foundation shall be applied in relief of rates, taxes, or other public funds.

### **Religious Instruction.**

14. The Trustees shall in each year pay a sum of not more than £300 or such other sum as is equivalent to a proportion of 7½ per cent. of the net annual income of the Foundation for that year, whichever is the higher amount, to the Vicar for the time being of Oadby to be applied by him as trustee in the promotion in the Ecclesiastical Parish of Oadby of religious instruction in accordance with the doctrines of the Church of England for children in the said Parish by means of a Sunday School or otherwise.

## Special Benefits for Maintained Schools.

15. The Trustees may in each year apply a Sum of not more than £800 or such other sum as is equivalent to a proportion of 20 per cent. of the net annual income of the Foundation for that year, whichever is the higher amount, in providing such special benefits, of any kind not normally provided by the Local Education Authority, for any maintained Primary or Secondary School in the beneficial area as may from time to time be agreed upon between the Authority and the Trustees:

Provided that, upon the application of the Trustees in any year, the yearly sums applicable under this and the two last foregoing clauses of this Scheme may be increased to such amounts as the Secretary of State may in writing approve.

## Other Educational Benefits.

16. (1) The residue of the said net income of the Foundation shall be applied by the Trustees for the benefit of beneficiaries in one or more of the following ways:-

- a) In awarding to beneficiaries Scholarships, Bursaries, Maintenance allowances or Grants tenable at any school, University, or other place of learning, approved by the Trustees
- b) In providing financial assistance, outfits, clothing, tools, instruments or books to help beneficiaries on leaving school, a university or any other educational establishment to prepare for, or to enter, a profession, trade or calling;
- c) In awarding Scholarships or Maintenance Allowances to enable beneficiaries to travel, whether in this country or abroad to pursue their education
- d) In providing financial assistance to enable beneficiaries to study music or other arts;
- e) In providing financial assistance to any charitable voluntary organisation in the beneficial area the objects of which are directed to advancing the education of, or improving the conditions of life for beneficiaries by developing their physical, mental and moral capabilities through their leisure-time activities; and
- f) In otherwise promoting the education (including social and physical training) of beneficiaries.

(2) Within the limits prescribed by this Scheme, the Trustees shall have full power to make rules for the award of Scholarships, Bursaries, Maintenance Allowances, Grants, or other benefits, including rules as to the value and period of tenure of the awards, and the qualifications, and method of ascertainment and selection, of beneficiaries.

(3) The Trustees shall consult the Local Education Authority as to their general action under this clause and, if occasion requires, as to the educational qualifications of candidates for benefit.

(4) In this clause the expression "beneficiaries" means persons of either sex resident in the beneficial area who have not attained the age of 25 years and who, in the opinion of the Trustees, are in need of financial assistance, and the expression "beneficial area" for the purposes of this Scheme means the Urban District of Oadby:

Provided that if in any year the Trustees are of opinion that they are unable usefully to apply the whole of the income of the Foundation for the benefit of the beneficial area, that area shall be deemed during that year to be extended so as to include such of the Civil Parishes adjoining the Urban District of Oadby as the Trustees may select.

## Surplus Income.

17. (1) Any income of the Foundation not applied by the Trustees in any year may be retained by them for application in the following year in the manner and to the objects above prescribed.

(2) Subject thereto, any sum of cash at any time belonging to the Foundation and not needed as a balance for working purposes shall (unless otherwise directed. by the Secretary of State) be treated as capital and invested.

## Application of Capital.

18. The Trustees may apply so much of the capital funds of the Foundation as may be approved by an Order of the Secretary of State, subject to such conditions (including conditions as to recoupment) as may be prescribed by such Order, in making capital grants for the furtherance of the purposes specified under paragraph (e) of sub-clause 16(1) of this Scheme.

## General Power to make Rules.

19. Within the limits prescribed by this Scheme the Trustees shall have full power to make rules for the management of the Foundation and for the conduct of their business, including the summoning of meetings, the deposit of money at a proper bank, the custody of documents, and

the appointment as Clerk or Secretary (to hold office at their pleasure) of one of themselves without salary or some other fit person at such salary, if any, as may be approved by the Secretary of state.

### **Minutes and Accounts.**

20. The Trustees shall provide and keep a minute book and books of account referable to the income and expenditure of the Foundation, and proper accounts in relation to the foundation shall in each year be made out and certified in such form as the Secretary of State may require and copies a shall be sent to the Department of Education and Science.

### **Investments and Vesting of Property.**

21. (1) The Trustees and all other persons capable of being bound by this Scheme shall, unless the Secretary of State otherwise in writing directs, do all such acts as may be necessary in order to transfer to the Official Custodian for Charities all stocks, shares, funds, and securities at any time belonging to the Foundation.

(2) If at any time the Trustees should stand possessed of any freehold or leasehold lands or other hereditaments held by them in trust for the Foundation, they shall, unless the Secretary of state in writing otherwise directs, take such steps as may be necessary to vest and transfer the property into the name of the Official Custodian for Charities.

### **Further Endowments.**

22. The Trustees may accept any additional donations or endowments for the general purposes of the Foundation and they may also accept donations or endowments for any special objects connected with the Foundation not inconsistent with, or calculated to impede the due working of, the provisions of this Scheme.

### **Questions under Scheme.**

23. If any question arises 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, it shall be determined by the Secretary of State, upon such application made to him for the purpose as he thinks sufficient, and such determination shall be binding on the Trustees .and all persons claiming under the Foundation.

### **Interpretation**

24. The Interpretation Act 1889 shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

### **Date of Scheme.**

25. The date of this Scheme shall be the day on which it is established by an Order of the Secretary of State.

The Secretary of State for Education and Science orders that the foregoing Scheme be established.

Given under the Official Seal of the Secretary of State for Education and Science on 26th August 1966.