

Sealed 25th March 1992

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County - Cumbria
Parish - Dent
Charities - 1. Free Grammar School
Foundation of King
James
2. Hodgson Educational
Foundation

CD(Liv1)
529,896/1

Scheme

CHARITY COMMISSION

In the matter of the following Charities, in the Parish of Dent, in the County of Cumbria:-

1. The Charity called the Free Grammar School Foundation of King James, regulated by a Scheme made by the Board of Education on the 30th December 1921;
2. The Charity called the Hodgson Educational Foundation, regulated by a Scheme made by the Board of Education on the 15th November 1929; 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 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 under the name of the Dent Grammar School Educational Foundation by the body of Governors hereinafter constituted as the charity trustees thereof.

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.

GOVERNORS

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

One Ex-officio Governor
Eight Nominated Governors and
Four Co-opted Governors.

(2) The Co-opted Governors shall be persons who through residence, or occupation or employment, or otherwise have special knowledge of the Parish of Dent.

4. Ex-officio Governor. The Ex-officio Governor shall be the incumbent for the time being of the present benefice of Dent-with-Cowgill: Provided that -

- (1) during any period when there is no incumbent as aforesaid or the bishop declares a period of suspension in respect of the benefice the priest for the time being in charge of the benefice shall by virtue of his office be the Ex-officio Governor; or
- (2) if at any time the Church Commissioners make a pastoral Scheme dissolving the present benefice the incumbent of a new benefice which incorporates the whole or a major part of the area of the present benefice shall by virtue of his office be the Ex-officio Governor; or
- (3) if at any time the Church Commissioners make a pastoral Scheme establishing a team ministry for the area of any benefice which includes the whole or a major part of the area of the present benefice the rector for the time being of that team ministry shall by virtue of his office be the Ex-officio Governor unless by that Scheme or by virtue of a bishop's licence a special cure of souls is assigned to a vicar in respect of an area which includes the whole or a major part of the present benefice in which case that vicar shall by virtue of his office be the Ex-officio Governor.

5. Nominated Governors. (1) Except at first as hereinafter provided the Nominated Governors shall be appointed as follows:-

Five by Dent Parish Council.

One by Cumbria County Council as the local education authority.

One by the Governors of the Free Grammar School at Sedbergh.

One by the Governors of Kirkby Lonsdale Grammar School.

(2) Every Nominated Governor 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 Governor shall be appointed for a term of four years.

(4) Each appointment 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 Governors or their clerk. The person appointed may be but need not be a member of the appointing body.

6. Future Co-opted Governors. Every future Co-opted Governor shall be appointed for a term of five years by a resolution of the Governors 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 Governor expires with effect from the date of expiry but so that the latter shall not vote on the matter.

7. First Nominated and Co-opted Governors. (1) Subject to the provisions hereinafter contained for determination of governorship each person at the date of this Scheme holding office as a Representative or Co-opted Governor of the Charity numbered 1 above shall hold office as a Nominated or Co-opted Governor under the provisions of this Scheme for the residue of the term for which he or she was appointed.

(2) The remaining first two Co-opted Governors shall be appointed for a term of five years by the Governors at a special meeting to be held as soon as possible after the date hereof.

8. Declaration by Governors. No person shall be entitled to act as a Governor whether on a first or on any subsequent entry into office until after signing in the minute book of the Governors a declaration of acceptance and of willingness to act in the trusts of this Scheme.

9. Determination of governorship. Any Nominated or Co-opted Governor who is absent from all meetings of the Governors during a period of two consecutive years and any Governor who is adjudged bankrupt or makes composition or arrangement with his or her creditors or who is incapacitated from acting or who communicates in writing to the Governors a wish to resign shall cease thereupon to be a Governor.

10. Vacancies. Upon the occurrence of a vacancy the Governors 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 Governor shall cause notice thereof to be given as soon as possible to the proper appointing body. Any competent Governor may be re-appointed.

MEETINGS AND PROCEEDINGS OF GOVERNORS

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

12. First meeting. The first meeting of the Governors shall be summoned by John Fawcett, of 2 Queen's Square, Dent, or if he fails for three calendar months after the date of this Scheme to summon a meeting by any two of the Governors.

13. Chairman. The Governors 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 Governors 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 Governors upon not less than four days' notice being given to the other Governors of the matters to be discussed, but if the matters include an appointment of a Co-opted Governor 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 five Governors are present at a meeting.

16. Voting. Every matter shall be determined by the majority of votes of the Governors 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 Governor 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 Governors. Statements of account in relation to the Charity shall be prepared and transmitted to the Charity 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 Governors 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.

MANAGEMENT OF PROPERTY

19. Management and letting of land. The Governors shall let and otherwise manage all the land belonging to the Charity subject to such consents as are required by law.

20. Leases. The Governors 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.

21. Repair and insurance. The Governors 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.

22. Extraordinary Repair Fund. (1) The Trustees shall establish and maintain a reserve fund, called the Extraordinary Repair Fund, for the purpose of providing for the extraordinary repair, improvement or rebuilding of the buildings belonging to the Charity.

(2) The Fund shall be established and maintained out of income of the Charity by the transfer to the Fund of such annual sum sufficient for the purpose of the Fund unless the Commissioners otherwise direct.

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

(4) The Trustees may at any time apply the Fund, or any part of it, for its purpose but insofar as the Fund is not so applied it shall be invested in trust for the Charity.

23. Sale. Subject to the authority of a further Order or Orders of the Commissioners the Governors may sell the whole or any part of the said land and may do and execute all proper acts and assurances for carrying any such sale into effect.

24. 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.

APPLICATION OF INCOME

25. Expenses of management. The Governors 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.

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

- (a) In making payments to the Governors for the time being of any voluntary aided school in the Parish of Dent to be applied by them in discharging their obligations under the Education Acts 1944 to 1988 with respect to the maintenance of the school concerned.

(b) In promoting the education (including social and physical training) of persons under the age of 25 years who or whose parents are resident in the Parish of Dent or who have at any time attended at a school in the said parish 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 Governors;
- (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 and enter a profession, trade, occupation or service on leaving school, university, or other educational establishment.

(2) Within the limits prescribed by this Scheme the Governors 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.

GENERAL PROVISIONS

27. Appropriation of benefits. The appropriation of the benefits of the Charity shall be made by the Governors at meetings of their body and not separately by any individual Governor or Governors.

28. Governors not to be personally interested. No Governor shall take or hold any interest in property belonging to the Charity otherwise than as a Governor for the purposes thereof and no Governor shall receive remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

29. Governors not to be personally interested. No Governor shall receive remuneration or be interested in the supply of work or goods, at the cost of the Charity.

30. Charity not to relieve public funds. The Governors shall not apply income of the Charity directly in relief of rates, taxes or other public funds.

31. 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 March 1992.

L.S.