

Draft Order laid before Parliament under section 17(2) of the Charities Act 1993, on 23rd March 2000; draft to lie for forty days, pursuant to section 6(1) of the Statutory Instruments Act 1946, during which period either House of Parliament may resolve that the Order be not made.

DRAFT STATUTORY INSTRUMENTS

2000 No.

CHARITIES

**Charities (Bristol, Clifton and West of
England Zoological Society) Order 2000**

Made - - - -

Coming into force

Whereas the Charity Commissioners for England and Wales have, in pursuance of section 17(1) of the Charities Act 1993⁽¹⁾, settled the Scheme set out in the Appendix to this Order with a view to its being given effect under that section:

And whereas the Scheme does not alter any statutory provision contained in or having effect under any public general Act of Parliament:

And whereas a draft of this Order has been laid before Parliament, the period of forty days mentioned in section 6(1) of the Statutory Instruments Act 1946⁽²⁾ has expired and neither House of Parliament has within that period resolved that the Order not be made:

Now, therefore, in pursuance of section 17(2) of the Charities Act 1993, the Secretary of State hereby makes the following Order:—

1. This Order may be cited as the Charities (Bristol, Clifton and West of England Zoological Society) Order 2000 and shall come into force on the fourteenth day after the day on which it is made.
2. The Scheme set out in the Appendix to this Order shall have effect.

Home Office
2000

One of Her Majesty's Principal Secretaries of
State

(1) 1993 c. 10.
(2) 1946 c. 36.

APPENDIX

SCHEME FOR THE ALTERATION OF PROVISIONS CONCERNING THE CHARITY KNOWN AS THE BRISTOL, CLIFTON AND WEST OF ENGLAND ZOOLOGICAL SOCIETY

Whereas the Charity known as the Bristol, Clifton and West of England Zoological Society (“the Charity”) is now regulated by:

- (1) a deed made by James Norroway Franklyn and others dated 12th June 1837;
- (2) the Bristol Clifton and West of England Zoological Society’s Act 1901⁽³⁾ (“the 1901 Act”);
and
- (3) the Bristol Clifton and West of England Zoological Society Act 1969⁽⁴⁾ (“the 1969 Act”);

And whereas the Trustees of the Charity have borrowing powers limited by the provisions of section 2 of the 1901 Act as amended by section 2(b) of the 1969 Act;

And whereas the Trustees of the Charity have on behalf of the Charity made application to the Charity Commissioners for a Scheme for the administration thereof;

And whereas it appears to the Charity Commissioners that a Scheme should be established for the purpose of removing any limitation of the Trustees' borrowing powers but that it is necessary for the Scheme to make provision which goes beyond the powers exercisable by them apart from section 17 of the Charities Act 1993;

And whereas in pursuance of section 20 of the Charities Act 1993 public notice of the Charity Commissioners' proposals for this Scheme has been given and no representations have been received in respect thereof;

Now, therefore, the Charity Commissioners for England and Wales in pursuance of section 17(1) of the Charities Act 1993 hereby settle the following Scheme:

SCHEME

Provisions ceasing to have effect

1. The provisions of section 2 of the 1901 Act and section 2(b) of the 1969 Act shall cease to have effect.

Power to borrow

2. The Charity shall have power to borrow money.

Power to mortgage or charge

3. The Charity shall have power to mortgage or charge:

- (a) the income, revenues and property of the Charity, and
- (b) the land of the Charity:
 - (i) by way of security for the repayment of a loan subject to the provisions of section 38 of the Charities Act 1993; and
 - (ii) by way of security otherwise than for the repayment of a loan provided that before doing so it obtains and considers proper advice on the matters mentioned in section 38(3) of the Charities Act 1993. For these purposes, “proper advice” means written advice which complies with section 38(4) of that Act.

⁽³⁾ c. ix (1 Edw. 7).

⁽⁴⁾ c. xxix.

Questions under the Scheme

4. 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 may be determined by the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

Sealed by Order of the Commissioners this day of 2000

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to a Scheme sealed by the Charity Commissioners for England and Wales for the Charity known as the Bristol, Clifton and West of England Zoological Society (“the Charity”) which is regulated in part by the Bristol Clifton and West of England Zoological Society’s Act 1901 and the Bristol Clifton and West of England Zoological Society Act 1969 (“the Acts”).

The Scheme alters some of the statutory provisions contained in the Acts with the effect that the Charity’s power to borrow money will no longer be limited to a maximum amount of £500,000.