

Draft Order laid before Parliament under section 17(2) of the Charities Act 1993, on 9th July 1998; 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

1998 No.

CHARITIES

Charities (Royal Russell School) Order 1998

Made - - - - 1998
Coming into force - - 1998

Whereas the Charity Commissioners for England and Wales have, in pursuance of subsection (1) of section 17 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 (Royal Russell School) Order 1998 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
1998

One of Her Majesty's Principal Secretaries of
State

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

APPENDIX

SCHEME FOR THE ALTERATION OF PROVISIONS GOVERNING THE CHARITY KNOWN AS THE ROYAL RUSSELL SCHOOL SITUATE IN GREATER LONDON

Whereas the Charity known as the Royal Russell School (“the Charity”) is now regulated by the Royal Russell School Acts 1954 and 1962⁽³⁾ (“the Acts”) as varied and affected by a scheme made under the Endowed Schools Acts 1869 to 1948⁽⁴⁾ framed by the Secretary of State for Education and Science and approved by Her Majesty in Council on 12th July 1968 (“the 1968 Scheme”) and by a scheme of the Charity Commissioners of 30th September 1993 (“the 1993 Scheme”);

And whereas the Trustees of the Charity have become unable to further the purposes of the charity in the manner contemplated by the Acts and by the 1968 Scheme and the 1993 Scheme and have accordingly transferred its assets to a charity called the Purley Children’s Trust to be applied for purposes similar to those of the Charity;

And whereas it appears to the Charity Commissioners that past and future legacies bequeathed to the Charity and all other assets of the Charity should also be applied for the purposes of the Purley Children’s Trust;

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 alteration of the provisions governing the Charity 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.—(1) The provisions of the Royal Russell School Act 1954 will cease to have effect save for sections 1, 2, 3, 6, 12, 13, 14, 15, 25 and 26 thereof.

(2) The 1968 Scheme and 1993 Scheme shall cease to have effect in their entirety.

Administration of Charity.

2.—(1) The Charity shall continue to be regulated by the provisions of the Acts except in so far as their provisions will cease to have effect by virtue of this Scheme.

(2) The Charity shall be administered and managed by the trustees of the charity called the Purley Children’s Trust acting in accordance with their procedures and powers under a declaration of trust dated 23rd September 1968 and made between Raymond Montague Burton Louis Isaac Michaels and Robert Leslie Wessel as amended by a scheme made by the Charity Commissioners dated 18th December 1995.

(3) The property of the Charity shall be applied for the purposes of the Purley Children’s Trust.

⁽³⁾ 2 & 3 Eliz. 2 Ch xxxix and 10 & 11 Eliz. 2 Ch xi.

⁽⁴⁾ 32 & 33 Vict. c.56, 36 & 37 Vict. c.87 and 11 & 12 Geo. 6 c.40.

(4) The trustees of the Purley Children’s Trust shall be the members of the Charity and any other person who is a member of the Charity shall cease to be a member when section 16 of the Royal Russell School Act 1954 ceases to have effect.

Questions under the Scheme.

3. 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 Commissioners upon such application made to them for the purpose as they shall think sufficient.

Sealed by Order of the Commissioners this day of 1998.

L.S.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to a Scheme of the Charity Commissioners for the Charity known as the Royal Russell School (“the Charity”) which is regulated by the Royal Russell School Acts 1954 and 1962.

The Scheme alters some of the statutory provisions governing the Charity with the effect that legacies to the Charity will not lapse and that all present and future property of the Charity may be applied for the purposes of a similar charity, the Purley Children’s Trust.