

*Draft Order laid before Parliament under section 17(2) of the Charities Act 1993, on 25th July 2000; draft to lie for forty days pursuant to section 6(1) of the Statutory Instruments Act 1946, during which either House of Parliament may resolve that the Order be not made.*

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DRAFT STATUTORY INSTRUMENTS

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**2000 No.**

**CHARITIES**

**Charities (The Rochester Bridge Trust) Order 2000**

*Made* - - - - 2000  
*Coming into force* - - 2000

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 (The Rochester Bridge Trust) 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

Minister of State

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

## APPENDIX

### SCHEME FOR THE ADMINISTRATION OF THE CHARITY KNOWN AS THE ROCHESTER BRIDGE TRUST

Whereas the Charity known as The Rochester Bridge Trust, originally established by letters patent granted by King Richard II in the twenty-second year of his reign and confirmed by statute passed in the ninth year of the reign of King Henry V, is now regulated by:

- (1) the Rochester Bridge Act 1846<sup>(3)</sup>;
- (2) the Rochester Bridge Amendment Act 1853<sup>(4)</sup>;
- (3) the Rochester Bridge Act 1908<sup>(5)</sup>;
- (4) the Rochester Bridge Act 1965<sup>(6)</sup>;
- (5) the Medway Tunnel Act 1990<sup>(7)</sup>; and
- (6) the Scheme for the regulation of the Charity made by the Charity Commissioners on 1st June 1999;

And whereas the said Scheme of 1st June 1999 provides, *inter alia*, that every demise or lease made or granted by the Wardens and Assistants of the Charity (“the Court”) shall be made or granted subject to the provisions of section 30 of the Rochester Bridge Act 1846;

And whereas the Court of the Charity has made application to the Charity Commissioners for a Scheme for the administration of the Charity (“the Scheme”);

And whereas it appears to the Charity Commissioners that a Scheme should be established for the purpose of removing any limitation of the Court’s demising or leasing 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 (“the 1993 Act”);

And whereas in pursuance of section 20 of the 1993 Act public notice of the Charity Commissioners’ proposals for the Scheme has been given and no representations have been received by them in respect thereof:

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

## SCHEME

### **Provisions ceasing to have effect**

1. The provisions of the Rochester Bridge Act 1846 and the Rochester Bridge Amendment Act 1853 shall cease to have effect.

### **Power to demise or lease**

2. Clause 5(1) of the said Scheme of 1st June 1999 is amended by deleting the words “:Provided that every demise or lease made or granted by the Court shall be made or granted subject to the provisions of section 30 of The Rochester Bridge Act 1846”.

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(3) 1846 c. vi.  
(4) 1853 c. xcvi.  
(5) 1908 c. lvii.  
(6) 1965 c. xxxiii.  
(7) 1990 c. xxii.

### Questions relating to 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 Charity Commissioners upon such application made to them for the purpose as they think sufficient.

Sealed by Order of the Commission this            day of            2000.

L.S.

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

The Order relates to the Charity known as The Rochester Bridge Trust. The Charity is established for the maintenance and improvement of the two adjacent bridges known as the Rochester Bridge and of the Medway Tunnel, and for purposes connected with the River Medway and for the promotion of such other charitable purposes as may from time to time be determined in the United Kingdom, primarily in the County of Kent. By a Scheme of the Charity Commissioners made on 1st June 1999 under section 16 of the Charities Act 1993, the Court was reconstituted and provided with up-to-date objects and powers for the regulation of the Charity.

The Scheme in effect removes the restrictions imposed on the Court's powers of leasing by the Rochester Bridge Act 1846, by repealing the provisions of that Act and amending clause 5(1) of the said Scheme of 1st June 1999. It also repeals the remaining provisions of the Rochester Bridge Amendment Act 1853 as these are now redundant.