

*Draft Order laid before Parliament under section 17(2) of the Charities Act 1993, on 17th April 2002 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.*

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DRAFT STATUTORY INSTRUMENTS

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**2002 No.**

**CHARITIES**

**The Charities (Cheadle Royal Hospital, Manchester) Order 2002**

<i>Made</i>	- - - -	2002
<i>Coming into force</i>	- -	2002

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 (Cheadle Royal Hospital, Manchester) Order 2002 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  
2002

Parliamentary Under-Secretary 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 CHEADLE ROYAL HOSPITAL SITUATE AT CHEADLE**

Whereas the Charity known as the Cheadle Royal Hospital (“the Charity”) situated at Cheadle in the Metropolitan Borough of Stockport is now regulated by:

- (1) The private Act 5 Victoria session 2.cap.i (“the 1842 Act”);
- (2) The Manchester Royal Infirmary Act 1933; and
- (3) The Manchester Royal Infirmary (Cheadle Royal Hospital) Order 1949:

And whereas the Cheadle Royal Hospital had to be closed and the site sold, such that it is now necessary to provide for the future application of the proceeds of sale:

And whereas the Trustees of the Charity have made application to the Charity Commissioners for England and Wales (“the Commissioners”) for a Scheme for the administration of the Charity (“the Scheme”):

And whereas it appears to the Commissioners that a Scheme should be established for the administration of 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 (“the 1993 Act”):

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

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

## **SCHEME**

### **Administration of Charity**

1.—(1) The provisions of the above-mentioned Acts and the above-mentioned Order shall cease to have effect with the exception of section II of the 1842 Act.

(2) With effect from the date that the Scheme is given effect by an Order of the Secretary of State under section 17(2) of the Charities Act 1993, the Charity and the property thereof shall be administered and managed in accordance with the provisions of section II of the 1842 Act and the Scheme by the body of Trustees hereinafter constituted.

- (3) The name of the Charity shall be the Cheadle Royal Hospital Charitable Trust.

### **Investment of cash**

2. All sums of cash now or at any time belonging to the Charity, other than income needed for immediate working purposes, shall be invested in trust for the Charity.

## **OBJECTS**

### **Objects**

3. The objects of the Charity are:

(1) to relieve persons who are sick, convalescent, disabled, handicapped or infirm and in particular, but not exclusively, such persons who are suffering mental illness in any of its forms.

(2) to promote or assist in the promotion of research into the alleviation or cure of mental illness in any of its forms.

## VARIATION OF SECTION II OF 1842 ACT

### Variation

4. Section II of the 1842 Act shall henceforth take effect as if—

(1) for the words from “President, Treasurers”, to the second instance there appearing of “Lunatic Hospital or Asylum”, there were substituted the words “Chairman, Secretary and Trustees for the time being of the Charity shall be incorporated by the name of “The Chairman, Secretary and Trustees of the Charity called The Cheadle Royal Hospital Charitable Trust”.”

(2) for the words “Manchester Infirmary, Dispensary, and Lunatic Hospital or Asylum, or either of them”, there were substituted the word “Charity”.

## TRUSTEES

### Trustees

5.—(1) The body of Trustees when complete shall consist of six persons being:

One Nominated Trustee, and

Five Co-opted Trustees.

(2) The first Nominated and Co-opted Trustees are the persons listed in the Schedule to the Scheme and subject to Clause 11 (Termination of Trusteeship) they will hold office for the periods shown in the Schedule.

## NOMINATED TRUSTEE

### Nominated Trustee

6.—(1) The Nominated Trustee shall be appointed by the President for the time being of the Royal College of Psychiatrists.

(2) Subject as before mentioned with regard to the first Nominated Trustee, each appointment must be made at a meeting held according to the ordinary practice of the appointing body concerned.

(3) Each appointment must be made for four years except that if the appointment is being made to fill a casual vacancy, the appointment shall be for the unexpired term of the appointee’s predecessor.

(4) The appointment will be effective from the later of:—

(a) the date of the vacancy; and

(b) the date on which the Trustees or their secretary are informed of the appointment.

(5) The person appointed need not be a member of the appointing body concerned.

### Co-opted Trustees

7.—(1) Except as regards the before mentioned first Co-opted Trustees, each appointment of a Co-opted Trustee must be made by the Trustees at a special meeting called under Clause 15.

(2) An appointment may, but need not, be made before the date on which the term of office of an existing Co-opted Trustee comes to an end, to take effect on that date. In these circumstances—

(a) the appointment may not be made more than three months before the date on which the existing Co-opted Trustee’s term of office is due to end; and

(b) any Co-opted Trustee whose term of office is about to come to an end must not vote in favour of their own reappointment.

(3) Except as regards the before mentioned first Co-opted Trustees, each appointment must be for a term of five years except that if the appointment is being made to fill a casual vacancy, the appointment shall be for the unexpired term of the appointee's predecessor.

#### **New Trustees**

8. The Trustees must give each new Trustee, on their first appointment—

- (1) a copy of the Scheme and any amendments made to it; and
- (2) a copy of the Charity's latest report and statement of accounts.

#### **Register of Trustees**

9.—(1) The Trustees must keep a register of the name and address of every Trustee and the dates on which their terms of office begin and end. Every Trustee must sign the register before acting as a Trustee, whether on their first appointment or on any later reappointment.

(2) The Trustees must promptly report any vacancy in the office of Nominated Trustee to the body entitled to appoint the Trustee.

#### **Trustees not to have a personal interest**

10. Except with the prior written approval of the Commissioners no Trustee may:

- (1) receive any benefit in money or in kind from the Charity; or
- (2) have a financial interest in the supply of goods or services to the Charity; or
- (3) acquire or hold any interest in property of the Charity (except in order to hold it as a Trustee of the Charity).

#### **Termination of trusteeship**

11. A Trustee will cease to be a Trustee if he or she:

- (1) is disqualified from acting as a Trustee by section 72 of the Charities Act 1993; or
- (2) is absent without the permission of the Trustees from all their meetings held within a period of one year and the Trustees resolve that his or her office be vacated; or
- (3) gives not less than one month's notice in writing of his or her intention to resign (but only if at least three Trustees remain in office when the notice of resignation is to take effect).

### **OFFICERS**

#### **Chairman**

12.—(1) At their first ordinary meeting in each year the Trustees must elect one of their number to be chairman of their meetings.

(2) The Trustees present at a meeting must elect one of their number to chair the meeting if the chairman is not present or the office of chairman is vacant.

#### **Secretary**

13. The Trustees may appoint a secretary. The office may be held by—

- (1) a Trustee (who must not receive any reward for acting and who may be dismissed as secretary at any time); or

(2) some other suitable person (who may be employed upon such reasonable terms, including terms as to notice, as the Trustees think fit).

## **MEETINGS OF TRUSTEES**

### **Ordinary meetings**

**14.**—(1) The first meeting after the Scheme comes into effect shall be called by Jeremy Wilkinson or, if he does not do so within three months from that date, by any two Trustees.

(2) The Trustees must hold at least two ordinary meetings in each twelve month period.

(3) Ordinary meetings require at least ten days' notice.

(4) The chairman, or any two Trustees may call an ordinary meeting at any time.

### **Special meetings**

**15.**—(1) The chairman, or any two Trustees, may call a special meeting at any time.

(2) Special meetings require at least four days' notice, except that meetings to consider the appointment of a Co-opted Trustee require at least 21 days' notice.

(3) The notice calling a special meeting must include details of the business to be transacted at the meeting.

(4) A special meeting may, but need not, be held immediately before or after an ordinary meeting.

### **Quorum**

**16.** No business may be transacted at a meeting unless at least three Trustees are present.

### **Voting**

**17.**—(1) Every matter must be decided by majority decision of the Trustees present and voting at a duly convened meeting of the Trustees.

(2) The chairman of the meeting may cast a second or casting vote only if there is a tied vote.

### **Recordings of meetings**

**18.** The Trustees must keep a proper record of their meetings.

### **Trustees to act jointly**

**19.** The Trustees must exercise their powers jointly, at properly convened meetings.

## **CHARITY PROPERTY**

### **Application of income**

**20.**—(1) The Trustees shall apply the income of the Charity in meeting the proper costs of administering the Charity and of managing its property (including the repair and insurance of its buildings).

(2) After payment of these costs, the Trustees shall apply the remaining income in furthering the objects of the Charity.

**Holding of investments**

21. The Trustees may—

(1) make such arrangements as they think fit for any investments of the Charity or income from those investments to be held by a corporate body as Custodian Trustee or as the Trustees' nominee; and

(2) pay reasonable and proper remuneration to any corporate body acting as Custodian Trustee or the Trustees' nominee in pursuance of this clause.

**Charity not to relieve public funds**

22. The Trustees shall not apply income of the Charity directly in relief of rates, taxes or other public funds but may apply income in supplementing relief or assistance provided out of public funds.

**Questions relating to the Scheme**

23. Any question as to the construction of the Scheme or as to the regularity or the validity of any acts done or about to be done under the Scheme may be determined by the Commissioners upon such application made to them for the purpose as they think sufficient.

**THE SCHEDULE****First Nominated Trustee**

Name	Address	Appointor	Term of office
Dr William Michael Forth	139 Hough Green, Chester CH4 8JR	The President of the Royal College of Psychiatrists	For four years from the date that the Charities (Cheadle Royal Hospital, Manchester) Order 2002 has effect.

**First Co-opted Trustees**

Name	Address	Term of office
Mary Susan Page	5 Albert Road, Wilmslow, Cheshire SK9 5HT	For five years from the date that the Charities (Cheadle Royal Hospital, Manchester) Order 2002 has effect.
Arthur Thomas Booth CBE	Leewood Reservoir Road, Whaley Bridge, High Peak, Derbyshire SK23 7BW	For four years from the said date.
David John Tully	The Cherries, 5 Greenside Drive, Hale, Altrincham, Cheshire WA14 3HX	For three years from the said date.

Name	Address	Term of office
Arnold Noel Smith	West Grove, Off Toft Road, Knutsford, Cheshire WA16 9ED	For two years from the said date.
Jeremy Squire Wilkinson	3 Old Orchard, Wilmslow, Cheshire SK9 5DH	For one year from the said date.

Sealed by Order of the Commissioners this 2002.

L.S.

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#### **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 Cheadle Royal Hospital, which is regulated by the Manchester Royal Infirmary Acts of 1842 and 1933 and the Manchester Royal Infirmary (Cheadle Royal Hospital) Order 1949.

The Cheadle Royal Hospital became increasingly difficult to operate as a hospital and was closed down and the hospital site sold. Subsequently, it was decided that the Charity should operate as a grant-making organisation.

The Scheme provides new objects and powers for the Charity which enable it to operate as such a grant-making organisation. The Scheme restructures the Trustee body and provides new arrangements for its operation and the holding of its investments.