



CHAPTER xvii.

An Act to confirm a Scheme of the Charity Commissioners for the application or management of the charity called the Poor's Allotments in the ancient parish of Hornsey in the county of Middlesex. [13th June 1940.]

WHEREAS the Charity Commissioners in their report to His Majesty of their proceedings during the year one thousand nine hundred and thirty-nine reported that they had approved and certified a Scheme for the application or management of the charity called the Poor's Allotments in the ancient parish of Hornsey in the county of Middlesex comprised in an Inclosure Award dated the 14th June 1816 made in pursuance of the Hornsey Inclosure Act 53 Geo. III. cap. vii :

And whereas it is expedient that the Scheme as the same is fully set out and defined in the Schedule to this Act should be confirmed :

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The said Scheme is hereby confirmed. Provided always that nothing in this Act or in the said Scheme shall be held to interfere with the ordinary jurisdiction

Confirma-
tion of
Scheme.

Ch. xvii. *Poor's Allotments in* **3 & 4 GEO. 6.**
Hornsey Charity Scheme Confirmation Act, 1940.

over endowed charities now exerciseable or hereafter to become exerciseable by the High Court of Justice and the Charity Commissioners.

Short title.

2. This Act may be cited as the Poor's Allotments in Hornsey Charity Scheme Confirmation Act 1940.

SCHEDULE.

Scheme for the application or management of the Charity known as the Poor's Allotments in the ancient parish of Hornsey in the County of Middlesex comprised in an Inclosure Award dated the 14th June 1816 made in pursuance of the Hornsey Inclosure Act 53 Geo. III. cap. vii.

1. *Administration of Charity.*—The above-mentioned Charity and the endowments thereof specified in the Schedule hereto and all other the endowments (if any) of the said Charity shall be administered and managed by the Trustees for the time being of the charities called the Hornsey Parochial Charities in the ancient parish of Hornsey (exclusive of the Hornsey Educational Foundation) which charities are regulated by a Scheme of the Charity Commissioners of the 6th June 1890 as varied by Schemes of the said Commissioners of the 17th October 1893 24th September 1909 and 5th October 1937 subject to and in conformity with the provisions of this Scheme as the Trustees of the Charity.

2. *Branches.*—The Charity shall be administered and managed in two branches to be called respectively the fuel branch and the general branch. The endowments of the fuel branch shall consist of the sum of £3,059 4s. 2d. 2½ per cent. consolidated stock part of the sum of £4,472 9s. 5d. like stock specified in the said Schedule and the endowments of the general branch shall consist of all the remaining endowments of the Charity.

3. *As to Cash.*—All sums of cash now or at any time belonging to either branch of the Charity and not needed for immediate working purposes shall (unless otherwise ordered) as soon as possible be invested under the authority of a further order of the Charity Commissioners in the name of "The Official Trustees of Charitable Funds."

4. *Accounts.*—All proper accounts in relation to the Charity shall in each year be made out and certified in such manner as the Charity Commissioners require and copies thereof shall be transmitted to the said Commissioners and published in conformity with the provisions of the Charitable Trusts Acts.

MANAGEMENT OF LANDS.

5. *Management and Letting of Lands.*—All the lands belonging to the Charity not required to be retained or occupied for the purposes thereof shall be let and otherwise managed by the Trustees. In every case public notice of the intention to let any land shall be given by the Trustees in such manner as they consider most effectual for ensuring full publicity. The Trustees shall not create any tenancy in reversion after more than 3 years of any

Ch. xvii. *Poor's Allotments in* 3 & 4 GEO. 6.
Hornsey Charity Scheme Confirmation Act, 1940.

existing term or for more than 21 years certain or for less than the improved annual value at rackrent without the sanction of the Charity Commissioners or a competent court.

6. *Leases.*—The Trustees shall provide that on the grant by them of any lease the lessee shall execute a counterpart thereof and 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.

7. *Repair and Insurance.*—The Trustees shall keep in repair and insure against fire all the buildings of the Charity not required to be kept in repair and insured by the lessees or tenants thereof.

APPLICATION OF INCOME.

8. *Expenses of Management.*—The Trustees shall first defray—

- (1) The cost of repairs and insurance and all other charges and outgoings payable in respect of the property of each branch of the Charity out of the income of that branch;
- (2) All the proper costs charges and expenses of and incidental to the administration and management of the Charity out of the income thereof and as between the branches so far as may be rateably.

9. *Income of Fuel Branch.*—The clear yearly income of the fuel branch and any augmentation of such income made in manner authorised by the next succeeding clause hereof shall be applied by the Trustees in the purchase of fuel to be distributed among such of the poor inhabitants of the ancient parish of Hornsey resident therein and not in receipt of poor-law relief (other than medical relief) as the Trustees select for this purpose.

10. *Income of General Branch.*—The Trustees may in any year appropriate out of the clear yearly income of the general branch a sum not exceeding £100 in augmentation of the income of the fuel branch and shall apply any sum so appropriated in accordance with the provisions of the last preceding clause hereof Subject as aforesaid the clear yearly income of the general branch shall be applied by the Trustees in making payments under one or more of the following heads for the benefit either of the poor of the ancient parish of Hornsey generally or of such poor persons resident therein and not in receipt of poor-law relief (other than medical relief) as the Trustees select for this purpose and in such way as they consider most advantageous to the recipients and most conducive to the formation of provident habits:—

I. Subscriptions or donations in aid of the funds of—

- (a) Any hospital dispensary infirmary or convalescent home or any establishment in which

persons suffering from any bodily infirmity are taught any trade or employment whether general or special upon such terms (so far as may be) as to enable the Trustees to secure the benefits of the institution for the objects of the Charity;

(b) Any provident club or society or any fund established in or near the said ancient parish for the supply of coal clothing footwear or other necessaries :

II. Grants or contributions for or towards—

(a) The provision of nurses and of medical and surgical assistance for the sick and infirm including medical and surgical appliances medicines and comforts or necessaries ;

(b) The travelling expenses of patients to and from such institutions as are above-mentioned in paragraph I (a) ;

(c) The cost of providing proper care and supervision (including any necessary cost of locomotion) for persons qualified as aforesaid requiring temporary change of air or special protection or treatment ;

(d) The assistance of persons qualified as aforesaid who are under the age of 21 years and who are preparing for entering upon or engaged in any trade occupation or service by outfits payment of fees for instruction payment for travelling expenses or such other means for their advancement in life or to enable them to earn their own living as the Trustees think fit :

III. Grants or contributions to any children's holiday fund upon terms which will ensure the provision of holidays for poor children who would otherwise be unable to afford a holiday :

IV. The supply to an amount not exceeding £25 in any one year of—

(a) Clothes boots linen bedding tools food or other articles in kind ;

(b) Temporary assistance in money by way of loan or otherwise in case of sickness special distress or unexpected loss :

V. Weekly allowances being in no case except with the approval of the Charity Commissioners less in value than 1s. 6d. a week or more than 5s. a week during the pleasure of the Trustees to or for the benefit of persons qualified as aforesaid who have attained the age of 60 years and become wholly or in part unable to maintain themselves by their own exertions in augmentation of

Ch. xvii. *Poor's Allotments in* 3 & 4 GEO. 6.
Hornsey Charity Scheme Confirmation Act, 1940.

any means of support possessed by the recipients which shall be proved to the satisfaction of the Trustees to be reasonably assured and to be sufficient when so augmented to enable the recipients to live in reasonable comfort provided that—

(1) The Trustees instead of paying the whole amount of the weekly allowance to any recipient in money may from time to time expend the whole or any portion thereof for his or her benefit as they think fit;

(2) Regulations shall be made for enabling the Trustees to satisfy themselves that the recipients continue in all respects to possess the required qualifications for assistance.

11. *Supplemental Provisions.*—The application of the income of the general branch under the last preceding clause hereof shall be subject to the following provisions:—

(1) The said income shall in no case be applied in aid of any rates for the relief of the poor or other purposes or save as hereinbefore provided in regard to weekly allowances so that any individual or institution may become entitled to a periodical or recurrent benefit therefrom;

(2) Assistance to individuals shall only be granted after full investigation of the character and circumstances of the proposed recipients and inquiry whether they have shown reasonable providence and whether and to what extent they may reasonably expect assistance from relations or others;

(3) In applying the said income the Trustees may avail themselves of the agency of any charity organisation society or other like agency.

GENERAL PROVISIONS.

12. *Appropriation of Benefits.*—The appropriation of the benefits of the Charity shall be made by the Trustees from time to time at meetings of their body and not separately by any individual Trustee or Trustees Provided that the Trustees may from time to time appoint three or more of their body to be a committee for dealing with any cases of emergency but all acts and proceedings of committees shall be reported in due course to the Trustees.

13. *Trustees not to be personally interested.*—No Trustee shall take or hold any interest in property belonging to the Charity otherwise than as a Trustee for the purposes thereof and no Trustee shall receive any remuneration or be interested in the supply of work or goods at the cost of the Charity.

3 & 4 GEO. 6. *Poor's Allotments in* **Ch. xvii.**
Hornsey Charity Scheme Confirmation Act, 1940.

14. *Alteration of Scheme.*—The Charity Commissioners may from time to time in the exercise of their ordinary jurisdiction establish Schemes for the alteration of any of the provisions of this Scheme as if those provisions had been made by the founder in the case of a Charity having a founder.

15. *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 conclusively by the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

16. *Date of Scheme.*—The date of this Scheme shall be the date of the Act of Parliament confirming the same.

SCHEDULE.

Land containing 27 poles or thereabouts in Wood Lane Highgate Common Highgate in the County of Middlesex being part of the land numbered 194 in the above-mentioned inclosure award together with the messuages known as Nos. 43 and 45 Wood Lane erected thereon.

The following sums of stock held by "The Official Trustees of Charitable Funds" and standing to the credit of remittance accounts for the Charity :—

£4,472 9s. 5d. 2½ per cent. Consolidated Stock.

£1,866 13s. 4d. Local Loans 3 per cent. Stock.

£703 19s. 4d. 4 per cent. Funding Stock 1960-90.

£2,184 14s. 7d. Metropolitan Water "B" Stock 3 per cent.

The following sums of stock held by the said Official Trustees and standing to the credit of an investment account formed under an order of the Charity Commissioners of the 28th July 1939 :—

£2,457 12s. 7d. Local Loans 3 per cent. Stock.

£365 4 per cent. Funding Stock 1960-90. *

NOTE.—The above-mentioned land on Highgate Common was vested in "The Official Trustee of Charity Lands" by an order of the Charity Commissioners of the 8th August 1919.

Sealed by order of the Board this 15th day of December 1939.

L.S.

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Ch. xvii. *Poor's Allotments in* **3 & 4 GEO. 6.**
Hornsey Charity Scheme Confirmation Act, 1940.

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