
STATUTORY INSTRUMENTS

1977 No. 2104

CHARITIES

The Charities (Leicester Freeman's Estate) Order 1977

Laid before Parliament in draft

Made - - - - - *15th December 1977*

Coming into Operation *29th December 1977*

Whereas the Charity Commissioners for England and Wales have, in pursuance of sub-section (1) of section 19 of the Charities Act, 1960(a), 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 said Scheme does not alter any statutory provision contained in or having effect under any public general Act of Parliament:

Now, therefore, in pursuance of section 19(2) of the Charities Act 1960, I hereby make the following Order:—

1. This Order may be cited as the Charities (Leicester Freeman's Estate) Order 1977 and shall come into operation 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.

Merlyn Rees,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
15th December 1977.

APPENDIX

SCHEME FOR THE ADMINISTRATION OF THE CHARITY KNOWN AS THE LEICESTER FREEMEN'S ESTATE, IN THE CITY OF LEICESTER

Whereas the Charity known as the Leicester Freemen's Estate, in the City of Leicester, is now regulated by:—

- (1) the Leicester Freemen's Acts 1845 to 1922(a);
- (2) a Scheme of the Charity Commissioners of the 29th May 1923;

And whereas the Charity has 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 administration of the Charity but that it is necessary for the Scheme to alter the provision made by the Leicester Freemen's Acts 1845 to 1922:

And Whereas in pursuance of section 21 of the Charities Act, 1960 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 19(1) of the Charities Act, 1960, hereby settle the following Scheme:—

SCHEME

1. *Administration of Charity.*—The above-mentioned Charity and the property thereof specified in the third schedule hereto and all other the property (if any) of the Charity shall be administered and managed subject to and in conformity with the provisions of this Scheme, in lieu of the provisions now regulating the Charity.

2. *Body corporate.*—For the purpose of administering the Charity there shall continue to be a body corporate by the name of the Leicester Freemen's Deputies with perpetual succession and a common seal and consisting of twenty-one Deputies, so however that—

- (1) Deputies shall be elected and shall vacate office in accordance with the provisions of the second schedule hereto;
- (2) the Deputies in office at the coming into operation of this Scheme shall continue in office as if they had been so elected.

MEETINGS AND PROCEEDINGS OF DEPUTIES

3. *General meetings.*—The Deputies shall hold an annual general meeting at their Board Room or at some other convenient place in the County of Leicestershire on the third Tuesday in March in every year and shall also hold general meetings at other times during the year when and so often as shall be deemed expedient upon not less than three clear days' written notice specifying the time and place thereof and the business to be transacted thereat signed by the Clerk or two Deputies being given to every Deputy.

4. *Chairman, vice-chairman and treasurer.*—(1) The Deputies shall at their annual general meeting in every year choose one of their number to be chairman, another of their number to be vice-chairman and another of their number to be treasurer, and the persons so chosen shall continue in office until the next annual general meeting at which the chairman, vice-chairman and treasurer are to be chosen pursuant to the provisions of this clause.

(2) If any casual vacancy occurs in the office of chairman, vice-chairman or treasurer the Deputies shall as soon as conveniently may be after the occurrence of such vacancy

(a) 1845 c. 6 (Private), 1898 c. clxxxix and 1922 c. xiv.

choose one of their number to fill such vacancy and every chairman, vice-chairman or treasurer so chosen shall continue in office so long only as the person in whose place he is chosen would have been entitled to continue in office.

5. *Proceedings not invalidated by vacancy.*—No act or proceeding of the Deputies shall be questioned on account of any vacancy in their body.

6. *Quorum.*—There shall be a quorum when five Deputies are present at a meeting.

7. *Voting.*—Every matter shall be determined by the majority of votes of the Deputies present and voting on the question. In case of equality of votes the chairman of the meeting shall have a casting vote whether he has or has not voted previously on the same question but no Deputy in any other circumstances shall give more than one vote.

8. *Execution of documents.*—(1) The Deputies shall execute all contracts, deeds and other documents necessary for the proper administration of the Charity in manner following:

(a) Any contract or other document which if made by or between private persons would be by law required to be in writing and under seal the Deputies shall make in writing under their common seal to be affixed at a meeting of the Deputies, or in the presence of two of the Deputies and the clerk if the Deputies at a meeting shall by resolution have authorised the same, and countersigned by two of the Deputies and the clerk;

(b) Any other contract or document the Deputies shall make or execute in writing signed by any three of the Deputies acting by the direction and on behalf of the Deputies and countersigned by the clerk;

(c) All conveyances and leases of lands shall be made by the Deputies by deed under the common seal of the Deputies to be affixed in manner aforesaid and countersigned by two of the Deputies and the clerk.

(2) All contracts, deeds or documents made or executed according to the provisions of this clause shall be effectual in law and binding on the Deputies and their successors in office.

(3) The application of the provisions of section 34 of the Charities Act, 1960 to the execution of documents on behalf of the Charity is hereby excluded.

9. *Minutes, accounts and audit.*—(1) A minute book and books of account shall be provided and kept by the Deputies.

(2) Statements of account shall be submitted annually to and audited by an auditor to be appointed by the Deputies who shall be an accountant practising in the County of Leicestershire and a member of any body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section 161 of the Companies Act, 1948(a), by the Department of Trade.

(3) Statements of account shall be prepared and transmitted to the Charity Commissioners in accordance with the provisions of the Charities Act, 1960, except if and in so far as the Charity is excepted by order or regulations.

10. *General power to make regulations.*—Within the limits prescribed by this Scheme the Deputies shall have full power from time to time to make regulations for the management of the Charity and for the conduct of their business including the summoning of meetings, the deposit of money at a proper bank and the custody of documents.

11. *Clerk and accountant.*—The Deputies shall appoint a clerk and an accountant, who shall not be Deputies, at such reasonable salaries and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit, provided that in making such appointments the Deputies shall give preference to freemen of the City of Leicester.

APPROPRIATION, PURCHASE AND SALE OF LANDS

12. *Appropriation of lands.*—The Deputies shall appropriate and use the lands for the time being and from time to time belonging to the Charity in either or both of the following ways:

- (1) for allotments for letting at low rents to needy freemen of the City of Leicester who are resident in the County of Leicestershire, and their widows.
- (2) for almshouses (hereinafter called dwellings) and buildings ancillary thereto, in accordance with the provisions hereinafter contained.

13. *Consent for purchase and sale.*—(1) No purchase or sale of lands shall be effected under the provisions of this Scheme without the previous consent of the freemen of the City of Leicester and their widows residing in the County of Leicestershire present and voting at a meeting to be called for that purpose by advertisement to be inserted in one or more of the newspapers circulating in the said city and county once in each of the three successive weeks next before the date announced for the holding of such meeting.

(2) The chairman for the time being of the Deputies shall be the chairman of the meeting, and in the case of equality of votes shall have a casting vote:

Provided that at the request of any ten persons present and entitled to vote at the meeting, such consent as aforesaid shall be determined by a poll of those desiring and entitled to vote to be conducted at such time and in such manner as the chairman may decide.

14. *Purchase of lands.*—Subject to such consent as aforesaid, the Deputies may purchase freehold land in the county of Leicestershire for appropriation and use as aforesaid.

15. *Sale of lands.*—(1) Subject to such consent as aforesaid, the Deputies may, without the authority of an Order of the Charity Commissioners, sell any lands belonging to the Charity.

(2) The clear proceeds of any such sale shall either be invested in trust for the Charity or shall be applied in accordance with the provisions of the next succeeding clause hereof.

APPLICATION OF PROPERTY

16. *Application of property.*—The Deputies may at any time apply the property of the Charity in the following ways:

- (1) subject to such consent as aforesaid, in the purchase of freehold land as aforesaid.
- (2) in the building and equipping of dwellings and buildings ancillary thereto for appropriation and use in accordance with the provisions hereinafter contained.

INSURANCE

17. *Insurance.*—The Deputies shall insure the dwellings and other buildings of the Charity to the full value thereof against fire and other usual risks and shall suitably insure in respect of public liability and employer's liability.

APPLICATION OF INCOME

18. *Expenses of management.*—The Deputies shall first defray out of the income of the Charity the cost of repairs and insurance and all other charges and outgoings payable in respect of the property of the Charity and all the proper costs, charges and expenses of and incidental to the administration and management of the Charity.

19. *Cyclical Maintenance Fund.*—(1) The Deputies may establish and maintain a reserve fund, to be entitled Cyclical Maintenance Fund, for the purpose of providing for those items of ordinary maintenance and repair of the dwellings and other property belonging to the Charity as recur at infrequent intervals.

(2) The fund may be maintained out of the income of the Charity by setting aside such yearly sum as the Charity Commissioners from time to time approve and may be invested in the name of the said body corporate in trust for the Charity.

20. *Extraordinary Repair Fund.*—Subject to any Order or Orders of the Charity Commissioners—

(1) The Deputies shall establish and maintain a reserve fund, to be entitled Extraordinary Repair Fund, for the purpose of providing for the extraordinary repair, improvement or rebuilding of the dwellings and other property belonging to the Charity.

(2) The fund shall be established with the investment or investments for the time being standing to the credit of the Extraordinary Repair Fund established pursuant to the provisions of the above-mentioned Scheme of the Charity Commissioners of the 29th May 1923.

(3) The fund shall be maintained out of the income of the Charity either by transfer to the fund of such yearly income as the Deputies may, upon proper advice, think fit or in such other manner as the Charity Commissioners from time to time approve or direct.

(4) The fund and the income therefrom shall be invested in the name of the Official Custodian for Charities.

21. *Residuary income.*—Subject to the payments aforesaid the Deputies shall apply the income of the Charity in one or more of the following ways:

(1) for the benefit of the almspeople of the Charity (hereinafter called residents) or any of them in such manner as the Deputies think fit from time to time.

(2) in paying pensions in accordance with the provisions hereinafter contained.

(3) for relief in need in accordance with the provisions hereinafter contained.

PENSIONS AND PENSIONERS

22. *Saving for existing pensioners.*—Appointments of pensioners under this Scheme shall be made without prejudice to the interests of the existing pensioners.

23. *Qualifications of pensioners.*—The pensioners shall be needy aged freemen of the City of Leicester and their widows who are resident in the County of Leicestershire at the time of appointment.

24. *Pensions.*—(1) There shall be paid to each pensioner out of the income of the Charity a pension at the rate of not more than £208 a year or such sum as the Charity Commissioners approve from time to time:

Provided that instead of paying the whole of the pension to any pensioner in money the Deputies may expend all or part thereof for his or her benefit in such ways as they think fit.

(2) The Deputies shall review every pension from year to year within the year and upon review may continue or discontinue the pension.

25. *Notices.*—At least once in every year the Deputies shall give notice, in such manner as they think sufficient, for bringing to the notice of those qualified to benefit the existence of the pensions and the proper mode of applying for appointment as a pensioner.

26. *Appointments of pensioners.*—Every appointment of a pensioner shall be made by the Deputies at a general meeting.

27. *Records.*—The clerk shall keep records in which shall be entered the name, age and description of every person appointed to be a pensioner, the date of every appointment and the date and occasion of every vacancy. He shall also keep a record of all applications for appointment.

RELIEF IN NEED

28. *Relief in need.*—(1) The Deputies shall apply income for relief in need in relieving freemen of the City of Leicester and their widows who are resident in the County of Leicestershire and who are in conditions of need, hardship or distress, by making interest-free loans for periods not exceeding five years subject to such conditions as to sureties or otherwise as the Deputies shall think fit, or by making grants of money or providing or paying for items, services or facilities calculated to reduce the need, hardship or distress of such persons.

(2) The Deputies may pay for such items, services or facilities by way of donations or subscriptions to institutions or organisations which provide or which undertake in return to provide such items, services or facilities for such persons.

(3) In exceptional cases the Deputies may grant relief to persons otherwise eligible therefor who are resident immediately outside the said county but in the opinion of the Deputies ought nevertheless for sufficient reason to be treated as if resident therein or who are located for the time being therein.

29. *Restriction.*—In applying income of the Charity for relief in need the Deputies shall not commit themselves to repeat or renew the relief granted on any occasion in any case.

DWELLINGS AND RESIDENTS

30. *Dwellings.*—The dwellings from time to time belonging to the Charity and the property occupied therewith shall be appropriated and used for the benefit of residents in conformity with the provisions of this Scheme.

31. *Board Room and Community Centre.*—The Deputies may provide on the site of the dwellings buildings for use as a Board Room for meetings of the Deputies and as a Community Centre for the residents.

32. *Saving for existing residents.*—Appointments of residents under this Scheme shall be made without prejudice to the interests of the existing residents.

33. *Qualifications of residents.*—The residents shall be needy aged freemen of the City of Leicester and their wives or widows who (except in special cases to be approved by the Charity Commissioners) are resident in the County of Leicestershire at the time of appointment.

34. *Contributions.*—The Deputies may make it a condition of appointing or permitting a person to be or remain a resident that he or she shall from resources available to him or her—

- (1) contribute a weekly sum towards the cost of maintaining the dwellings and essential services therein but so that the amount of the weekly sum shall not—
 - (a) be such as to cause hardship to him or her;
 - (b) be more than the amount approved from time to time by the Charity Commissioners;
- (2) contribute towards the cost of lighting and heating the dwellings and providing hot water therein.

35. *Notice of vacancy.*—No appointment of a resident shall be made by the Deputies until a sufficient notice of an existing vacancy specifying the qualifications required from candidates has been published by advertisement or otherwise so as to give due publicity to the intended appointment but it shall not be necessary to publish a notice if a vacancy occurs within twelve calendar months after the last notice of a vacancy has been published. Notices may be according to the form set out in the first schedule hereto.

36. *Applications for appointment.*—All applications for appointment shall be made in writing to the clerk of the Deputies in such manner as the Deputies direct. Before appointing any applicant to be a resident the Deputies shall require him or her to attend in person unless he or she is physically disabled or the Deputies are of opinion that special circumstances render this unnecessary. Every applicant must be prepared with sufficient testimonials and other evidence of his or her qualification for appointment.

37. *Selection of residents.*—Residents shall be selected only after full investigation of the character and circumstances of the applicants.

38. *Appointments of residents.*—Every appointment of a resident shall be made by the Deputies in general meeting.

39. *Records.*—The clerk shall keep records in which shall be entered the name, age and description of every person appointed to be a resident, the date of every appointment and the date and occasion of every vacancy. They shall also keep a record of all applications for appointment.

40. *Rooms not to be let.*—No resident shall be permitted to let or part with the possession of the accommodation allotted to him or her or except with the special permission of the Deputies to suffer any person to share the occupation of the same or of any part thereof.

41. *Warden and deputy warden.*—The Deputies may appoint a warden and deputy warden to perform such duties as may be necessary for the superintendence and care of the residents at such reasonable salaries and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit and may allot to the warden and deputy warden respectively accommodation in the dwellings as a residence for him or her while holding office.

42. *Setting aside appointments.*—(1) The Deputies may set aside the appointment as a resident of any resident who—

- (a) persistently or without reasonable excuse either disregards the regulations for the residents or disturbs the quiet occupation of the dwellings or otherwise behaves vexatiously or offensively; or
- (b) being a single or widowed freeman appointed after the coming into operation of this Scheme marries or re-marries as the case may be and who has children of the wife so married (whether of that marriage or of any previous marriage of the said wife) residing with him in the said dwellings; or
- (c) no longer has the required qualifications; or
- (d) has been appointed without having the required qualifications; or
- (e) is suffering from mental or other disease or infirmity rendering him or her unsuited to remain a resident.

(2) Upon setting aside the appointment of a resident the Deputies shall require and take possession of the room or rooms occupied by him or her.

(3) The Deputies upon recovery of a resident whose appointment has been set aside on account of mental or other disease or infirmity may re-appoint him or her without giving previous notice of the vacancy and without regard to the qualifications as to residence.

43. *Regulations.*—The Deputies may prescribe from time to time such reasonable regulations for the management of the dwellings as are not at variance or inconsistent with the provisions of this Scheme, and such regulations may provide (1) that any resident who desires to be absent from the dwellings for more than 28 days in any one year shall obtain the prior consent of the Deputies and (2) for the notification by residents of any intended temporary absence from the dwellings.

GENERAL PROVISIONS

44. *Appropriation of benefits.*—The appropriation of the benefits of the Charity shall be made by the Deputies at meetings of their body and not separately by any individual Deputy or Deputies: Provided that the Deputies from time to time may appoint two or more members 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 Deputies.

45. *Deputies not to be personally interested.*—(1) No Deputy shall receive remuneration, other than re-imbusement of out-of-pocket expenses, for acting as a Deputy for the purposes of the Charity.

(2) No Deputy shall be interested in the supply of services, work or goods at the cost of the Charity unless—

- (a) He is absent from all meetings of the Deputies during the relative discussions; and
- (b) He takes no part in the relative decisions; and
- (c) The other Deputies are satisfied that transactions arising out of such decisions are advantageous to the Charity.

(3) No Deputy shall acquire or hold any interest in property belonging to the Charity otherwise than as a Deputy for the purposes of the Charity unless the conditions in the last preceding sub-clause when applied to this sub-clause are satisfied and the Charity Commissioners give their consent in writing.

46. *Charity not to relieve public funds.*—The Deputies 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.

47. *Questions of construction.*—Any question as to the construction of this Scheme may be referred to the Charity Commissioners for their opinion or advice in accordance with the provisions of section 24 of the Charities Act, 1960.

FIRST SCHEDULE

FORM OF NOTICE

The Charity known as the Leicester Freemen's Estate, in the County of Leicestershire.

Notice is given that a vacancy exists in the dwellings at Freemen's Holt, Aylestone, in the City of Leicester.

Needy aged freemen of the City of Leicester and their wives or widows residing in the County of Leicestershire are eligible for appointment.

Application for appointment must be made in writing to
at 19 . Every applicant must complete an
on or before the application form which can be obtained from the above-named and must be prepared
to produce sufficient testimonials and other evidence of his or her qualification for
appointment and unless physically disabled to attend in person.

Note[s].—[(1)] In special cases to be approved by the Charity Commissioners
persons who do not possess the prescribed qualification as to residence may be appointed
if otherwise qualified.

[(2) Residents may be required to contribute a weekly sum towards the cost of
maintaining the dwellings of the Charity.]

Signed

Clerk to the Deputies.

SECOND SCHEDULE

PART I

1.—(1) The Deputies shall be elected by the freemen and freemen's widows whose
names shall be on the register to be kept in pursuance of the provisions of this schedule.

(2) No person shall be qualified to be elected a Deputy unless at the time of such
election his name is on the said register as a freeman and unless he be a house-keeper
and resident in the County of Leicestershire and no person shall be qualified to be
elected a Deputy whilst he shall be an undischarged bankrupt.

(3) Any Deputy who becomes bankrupt or who is continuously absent from the said
county for more than six months shall cease to be a Deputy and his office shall thereupon
become vacant.

2. The election of Deputies shall take place on the second Tuesday in the month of
March in each year.

3. A register containing the names of all freemen and freemen's widows resident
within the said county shall be prepared annually in accordance with the rules set out
in Part II of this schedule.

4. Notice of each election shall be given and the nomination of candidates for the
office of Deputy shall be conducted in accordance with the rules set out in Part III of
this schedule.

5.—(1) If the number of valid nominations exceeds that of the vacancies the
Deputies shall be elected from among the persons nominated.

(2) If the number of valid nominations is the same as that of the vacancies the per-
sons nominated shall be deemed to be elected.

(3) If the number of valid nominations is less than that of the vacancies the persons
nominated shall be deemed to be elected and such of the retiring Deputies as were

highest on the poll at their election or if the poll was equal or there was no poll as are selected for that purpose by the Deputies at their then next meeting shall be deemed to be re-elected to make up the required number.

(4) If there is no valid nomination the retiring Deputies shall be deemed to be re-elected.

6. If the election of Deputies is not contested the returning officer shall publish a list of the persons elected (other than retiring Deputies to be selected by the Deputies as hereinbefore provided) not later than eleven o'clock on the morning of the day of the election.

7. If the election of Deputies is contested a poll shall be taken and shall be conducted in accordance with the rules set out in Part IV of this schedule.

8. Where at a contested election an equality of votes is found to exist between any candidates and but for such equality one or more of the candidates would fail to be elected the returning officer shall determine by lot which of the candidates whose votes are equal shall be elected.

9.—(1) At an election of Deputies the presiding officer may and if required by a candidate shall put to any person offering to vote at the time of his presenting himself to vote but not afterwards the following questions or either of them:—

(A) Are you the person entered in the register as follows? (Read the whole entry in the register.)

(B) Have you already voted at the present election at this or at any other polling station?

(2) The vote of a person required to answer either of these questions shall not in any case be received until he has answered it.

(3) Save as hereby authorised no inquiry shall be permitted at an election of Deputies as to the right of any person to vote.

10. The returning officer shall provide a polling station and such ballot boxes ballot papers stamping instruments copies of register of voters and other things as may be necessary and may appoint and pay such presiding officers or other persons to assist him in conducting and completing the election as may be necessary and all expenses incurred by him of and incidental to such election shall be repaid to him by the Deputies out of the moneys for the time being in their hands.

11. The returning officer for the purpose of election of Deputies shall be the clerk of the Deputies for the time being.

If the office of clerk is vacant at the time when any duty relative to the election has to be performed by the returning officer or if the clerk from illness or other sufficient cause is unable to perform such duty the Deputies shall appoint some other person to act as returning officer or to perform such of the duties of the returning officer as then remain to be performed as the case may be.

12. An election shall not be invalidated by non-compliance with the rules set out in Parts II, III and IV of this schedule so long as such non-compliance did not affect the result of the election.

13. The returning officer shall count the votes which shall have been validly given and shall ascertain the number of votes for each candidate and the candidates to the number to be elected who have obtained the greatest number of votes shall be deemed and be certified by the returning officer under his hand to be elected and the returning officer shall forthwith send and deliver to each candidate a notice of his election and shall prepare and cause to be made a list containing the names of the candidates together with the number of votes given to each and the names of the persons elected and shall sign and certify such list. The returning officer shall place the counterfoils of the ballot papers in a sealed packet and the same shall not be opened except by order of the Deputies.

14. The appointed day for the purposes of the going out of and coming into office of Deputies (hereinafter referred to as "the appointed day" shall be the third Tuesday in March.

15.—(1) Subject as hereinafter provided, Deputies shall continue in office for three years.

(2) On the appointed day in every year the seven Deputies who have been longest in office without re-election shall go out of office.

16. A person ceasing to be a Deputy shall if qualified be re-eligible.

17. In the case of any casual vacancy among the Deputies occurring by death resignation or otherwise or in the case of the number of Deputies nominated being less than the number to be elected and there not being a sufficient number of retiring Deputies willing to be re-elected such vacancy shall be filled up or such number shall be made up to the proper number by the election of a Deputy or Deputies by the Deputies themselves and a meeting for such election shall be summoned by the clerk to the Deputies for such date as he may prescribe.

A Deputy so appointed shall come into office immediately upon his election and shall retain his office so long as the vacating Deputy would have retained the same if no vacancy had occurred.

PART II

1. The clerk to the Deputies shall previous to the thirty first day of January in every year prepare a list containing the names and addresses of all freemen and freemen's widows resident within the County of Leicestershire.

2. The said list may be inspected upon reasonable notice during a period of fourteen days at the office of the clerk of the Deputies by any person claiming to be a freeman or freeman's widow without charge.

3. Any freeman or freeman's widow may by notice delivered or sent to the clerk of the Deputies during such fourteen days object to the retention or omission of any name on the list or any matter entered in or omitted from the list and claim to have any such thing altered or corrected.

4. Any person making an objection shall at the same time send a copy of his objection to the person (if any) thereby affected.

5. On or before the twenty eighth day of February following the publication of the list the Deputies shall hear and decide on every objection and for that purpose shall examine any person and call for such evidence as they may think fit.

6. No objection shall be heard by the Deputies which shall not have been made and of which notice shall not have been given as by this schedule required.

7. The Deputies shall expunge from the list the name of any person who shall be proved to their satisfaction not to be a freeman or freeman's widow resident within the County of Leicestershire and shall settle the list and their decision shall be final and conclusive on all parties without appeal.

8. The returning officer shall place a distinctive number against the name of every voter in the list as settled by the Deputies and shall sign the list and the list so settled and signed shall be the register of freemen and freemen's widows entitled to vote at the election of Deputies under the provisions of this schedule.

PART III

1. The returning officer shall not less than fourteen days before the day appointed by him for delivery to him of the nominations cause a notice to be sent by post to each freeman and freeman's widow whose name shall be on the register specifying—

(A) The names of the retiring Deputies;

- (B) The place where forms of nomination may be obtained;
- (C) The place where and the day upon or before which the nominations are to be delivered or sent to him; and
- (D) The day on which in the event of a contest the poll will be taken.

2. Every candidate for the office of Deputy must be nominated in writing.

3. The nomination paper shall state the name and address of the person nominated and be subscribed by a freeman or freeman's widow whose name is on the register then in force as proposer and by another such freeman or freeman's widow as seconder and shall also be signed by the candidate himself to testify his consent to the nomination.

4. Each candidate must be nominated by a separate nomination paper but the same person may subscribe as many nomination papers as there are vacancies to be filled but no more.

5. The nomination of any person who is not qualified to be elected a Deputy shall be deemed invalid.

6. The returning officer shall provide nomination papers and shall supply any voter with as many nomination papers as may be required and shall at the request of any voter fill up a nomination paper.

7. Every nomination paper subscribed as aforesaid must be delivered by the candidate or his proposer or seconder at the office of the clerk to the Deputies ten days at least before the day of election and before five o'clock in the afternoon of the last day appointed for delivery of nomination papers.

8. The returning officer shall forthwith send notice of every such nomination to each candidate.

9. The returning officer shall number the nomination papers in the order in which they are received by him and the first valid nomination paper received for a candidate shall be deemed to be the nomination of that candidate.

10. The returning officer shall as soon as practicable after the receipt of any nomination paper examine the same and decide whether it has or has not been properly filled up and signed and whether it is or is not invalid. His decision that a nomination paper has been so filled up and signed and is or is not invalid as aforesaid shall be final and shall not be questioned in any proceeding whatever.

11. If the returning officer shall decide that a nomination paper is invalid he shall put a note on it to that effect stating the grounds of his decision and he shall sign such note.

12. After deciding that the nomination of any candidate is valid or invalid the returning officer shall as soon as practicable send by post or otherwise notice of his decision to the candidate.

PART IV

1. The returning officer shall at least four days before the day of election give public notice of the situation of the polling station for taking the poll at the election and a description of the persons entitled to vote thereat.

2. The vote shall be given by ballot.

3. Every person entitled to vote may vote for any number of candidates not exceeding the number of vacancies.

4. The ballot of each voter shall consist of a voting paper showing the names and descriptions of the candidates. Each voting paper shall have a number printed on the back and shall have attached a counterfoil with the same number printed on the face and shall be in the same form or as near thereto as circumstances will permit as the voting papers at contested local authority elections. At the time of voting the presiding officer shall mark on the counterfoil the voter's number on the register and shall place a mark on the copy register against the number of the elector to denote that he has received a ballot paper. The voter having secretly marked his vote on such voting paper and folded it up so as to conceal his vote shall place it in a closed box in the presence of the officer presiding at the polling station.

5. Any ballot paper on which votes are given to more candidates than the voter is entitled to vote for or on which anything (except the number on the back) is written or marked by which the voter can be identified shall be void and not counted.

6. The poll shall open at noon and close at eight p.m. on the same day.

7. After the close of the poll the ballot boxes shall be sealed up so as to prevent the introduction of additional ballot papers and shall be taken by the presiding officers to the returning officer.

8. If a person representing himself to be a particular elector named on the register applies for a ballot paper after another person has voted as such elector the applicant shall upon duly answering the questions contained in clause 9 of Part I of this schedule be entitled to mark a ballot paper in the same manner as any other voter but the ballot paper shall be of a colour differing from the other ballot papers and instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the register and set aside in a separate packet and shall not be counted by the returning officer.

9. A voter who has inadvertently spoilt his ballot paper may on delivering the same to the presiding officer obtain another ballot paper in the place of the ballot paper so delivered up and the spoilt paper shall be immediately cancelled.

THIRD SCHEDULE

Land containing 7 acres or thereabouts and known as Freeman's Holt situate at Aylestone in the City of Leicester having frontages to Middleton Street and Church Street, with the dwellings thereon.

The following investments and cash standing in the name of the Official Custodian for Charities:

£109,122.58 9% Treasury Stock, 1992-1996.

£286,303.75 5½% Treasury Stock, 2008-2012.

£14,181.19 3½% War Stock, (Extraordinary Repair Fund).

£1,700 Walsall Corporation 9% Mortgage No. 11542.

£3,604.96 North of Scotland Electrical Corporation 4% Stock, 1973-1978.

214,365.37 Income Shares in the Charities Official Investment Fund.

The following investments and cash standing in the name of the Leicester Freeman's Deputies representing accumulations of income:

£29,957.23 14% Treasury Stock, 1982.

£15,737.70 9% Treasury Stock, 1994.

£32,000 Leicester City Council 12½% Bond No. 001031.

£20,000 Barnsley Metropolitan Borough Council 12½% Bond No. B6176.
£7,500 Leicester City Council 11½% Bond No. 012588.
£10,000 Reading Borough Council 11½% Bond No. B15537.
£10,000 cash on deposit with Leicester Trustee Savings Bank (Maxiyield Account).
£322·20 cash on deposit with the said bank (Ordinary Department).
£10,174·60 cash on deposit account at the branch of National Westminster Bank Limited at Horsefair Street, in the City of Leicester.
£1,481·95 cash on current account at the said branch of the last-mentioned bank.

This schedule is made up to the 12th February 1977.

Sealed by Order of the Commissioners on the 22nd day
of July 1977.

(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 Leicester Freemen's Estate, for the benefit of freemen of the City of Leicester, and their widows.

The property of the Charity derives from an Inclosure Award of the year 1811, whereby 129 acres of land were allotted for the benefit of the freemen and their widows, in lieu of their rights to common of pasture over that and other land.

The Scheme makes new provision in place of the existing statutory and other provisions regulating the Charity. The principal changes are the widening of the residential qualifications of the beneficiaries and the trustees (otherwise known as Deputies), so that they may now reside anywhere in the County of Leicestershire; and the introduction of provisions which will permit the beneficiaries to be assisted otherwise than by way of the provision of almshouses and pensions. The Scheme also makes new provision for the payment of pensions and the administration of the almshouses of the Charity.

