

1977 No. 2105

CHARITIES

The Charities (The Queen's College Birmingham) 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 subsection (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 (The Queen's College Birmingham) 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.

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Merlyn Rees,

One of Her Majesty's Principal
Secretaries of State.

Home Office.
15th December 1977.

APPENDIX

SCHEME FOR THE ADMINISTRATION OF THE CHARITY CALLED THE QUEEN'S COLLEGE AT BIRMINGHAM, IN THE CITY OF BIRMINGHAM

Whereas the Charity called The Queen's College at Birmingham is regulated by:

- (1) The Queen's College Birmingham Act, 1867(a); and
- (2) A Scheme of the High Court of Justice (Chancery Division) of the 13th February 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 said Act of 1867:

And Whereas pursuant to 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 by the Charity Commissioners in respect thereof:

And Whereas all the charity trustees were party or privy to the application aforesaid:

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 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.

OBJECTS

2. *Objects*—The objects of the Charity, (which Charity is hereinafter referred to as the College), shall be—

- (1) to provide a complete and full-time training for ordination within their respective churches, for members of such Christian denominations as the Council and Governors of the College, with the agreement of the denomination concerned, shall from time to time determine;
- (2) to provide supplementary part-time training for ordination within their respective churches for members of such Christian denominations as the Council and Governors, with the agreement of the denomination concerned, shall from time to time determine;
- (3) to provide facilities for research and further study for those already ordained to the ministry of any Christian denomination;
- (4) to provide such forms of lay training and other study as the Council and Governors may from time to time determine;
- (5) to provide facilities for worship for those attending the college.

(a) 1867 c. 6 (Private),

GOVERNORS

3. *Governors to continue as body corporate*—(1) The Governors for the time being of the College shall continue to be a body corporate by the name of The Queen's College at Birmingham.

(2) The said body corporate shall have power to take and hold lands for use for the objects of the College, and for purposes ancillary thereto.

4. *Constitution*—The Governors shall consist of Nominative and Co-optative Governors, so far as practicable in equal numbers, amounting together to not more than 40 nor less than 12 persons, who shall be practising members of a Christian denomination and of whom so far as practicable at least half shall be laymen. Not more than one third of the Governors for the time being shall be persons holding office as members of the Council.

5. *Functions*—The Governors shall hold the property of the College and shall have the general superintendence of the policy of the College and of the administration thereof by the Council.

6. *Election*—Except at first as hereinafter provided with regard to the first Nominative and Co-optative Governors under this Scheme—

- (1) Nominative Governors shall be elected by the Governors at their annual general meeting upon the nomination of the Council. The Governors shall have the right to reject particular nominations for the office of Nominative Governor but not to nominate alternative candidates for such office.
- (2) Co-optative Governors shall be elected by the Governors at the said annual general meeting.
- (3) Each appointment shall be made for a term expiring at the end of the fifteenth annual general meeting after the meeting at which the appointment is made.

7. *First Governors*—The following persons shall be the first Governors under this Scheme and, subject to the provisions hereinafter contained for determination of office, shall be entitled to hold office for the following periods respectively:—

(1) *Nominative Governors*

The Right Reverend Robert Wylmer Woods, K.C.V.O., M.A., of Bishop's House, Hartlebury Castle, Hartlebury, in the County of Hereford and Worcester, Lord Bishop of Worcester, and

Professor The Reverend Canon John Gordon Davies, M.A., D.D., of 28 George Road, Edgbaston, University Professor,

The Reverend Robert William Grimley, M.A., of 34 Elmfield Crescent, Moseley, Clerk in Holy Orders, and

The Reverend Paul Rowntree Clifford, M.A., of The President's House, Selly Oak Colleges, Minister of Religion, all in the City of Birmingham,

The Reverend Norman Allen Birtwhistle, M.A., B.Sc., of The Manse, Wesley's Chapel, 49 City Road, in the London Borough of Islington, Minister of Religion, and

The Reverend Robert Owen Latham, M.A., B.D., of 86 Tavistock Place, in the London Borough of Camden, Minister of Religion,

all until the end of the fifteenth annual general meeting of the Governors after the coming into operation of this Scheme;

Nigel Terence Cook, J.P., of 8 Hoyland Way, Bournville, Labour Relations Adviser,

John Fairfax Crowder, M.A., LL.B., of 46 Westfield Road, Edgbaston, Solicitor,

Ian Christie Lea, M.B.E., T.D., M.A., of 68 Woodbourne Road, Edgbaston, Stockbroker, and

Frederick Clutton Alsop Ledsam, F.C.A., of 24 Westfield Road, Edgbaston, Chartered Accountant, all in the said city,

David John William Dolton, of Goyt Cliff, 63 Strines Road, Marple, in the County of Greater Manchester, Company Director, and

James Michael Grindall Fea, of The Old Vicarage, White Ladies Aston, in the County of Hereford and Worcester, Solicitor,

all until the end of the thirteenth annual general meeting of the Governors after the coming into operation of this Scheme;

Stephen Lloyd, M.A., of 14 Farquhar Road, Company Director, and

Patrick William Welch, B.A., of 43 Wellington Road, Managing Director, both in Edgbaston, in the said city,

Giles Slaughter, M.A., of the Headmaster's House, School Lane, Headmaster, and

Herbert William Tuckey, F.C.A., of 94 Hampton Lane, Chartered Accountant, both in Solihull, in the County of West Midlands,

Stephen James Lloyd, M.A., F.C.A., of Pebworth Manor, Pebworth, in the County of Hereford and Worcester, Chartered Accountant, and

Jack Alan Neale, J.P., of 74 Pear Tree Road, Great Barr, in the County of West Midlands, Company Director,

all until the end of the eleventh annual general meeting of the Governors after the coming into operation of this Scheme.

(2) *Co-optative Governors*

The Right Reverend John Stapylton Habgood, M.A., Ph.D., of Auckland Castle, Bishop Auckland, in the County of Durham, Lord Bishop of Durham,

The Right Reverend Ronald Ralph Williams, M.A., D.D., of Bishop's Lodge, Springfield Road, in the City of Leicester, Lord Bishop of Leicester,

The Right Reverend Geoffrey Francis Allen, M.A., of The Knowle, Deddington, in the County of Oxfordshire, sometime Bishop of Derby,

The Reverend Canon Ronald Edward Taylor Allen, M.C., M.A., of Church House, Ashford Bowdler, in the County of Salop, Clerk in Holy Orders,

The Reverend Canon Ronald Shukburgh Capron, M.A., of Mandall House, Minster Precincts, in the City of Peterborough, Clerk in Holy Orders,

The Venerable Sidney Harvie Clark, M.A., of Stow House, Skillington, in the County of Lincolnshire, Archdeacon and Prebendary Emeritus,

Professor The Reverend Canon Geoffrey William Hugo Lampe, M.C., M.A., D.D., F.B.A., of 58 Highsett, Hills Road, in the City of Cambridge, University Professor,

all until the end of the fourteenth annual general meeting of the Governors after the coming into operation of this Scheme;

The Reverend Canon Ronald Geoffrey Lunt, M.C., M.A., of Station House, The Homend, Ledbury, in the County of Hereford and Worcester, Clerk in Holy Orders, and

The Right Reverend Clement George St. Michael Parker, M.A., of Prospect Cottage, Old Road, Shipston on Stour, sometime Bishop of Bradford,

The Reverend Canon Thomas George Platten, M.A., of Fexhole Cottage, Lower Brailes, Clerk in Holy Orders, and

The Reverend Wilfred Herbert Bridge, of 5 St. John's Close, Stratford-upon-Avon, Minister of Religion, all in the County of Warwickshire,

The Reverend Dr. Norman Goodall, M.A., D.Phil., of Greensleeves, Benson, in the County of Oxfordshire, Minister of Religion,

Professor The Reverend John Hick, of 70 Arthur Road, Edgbaston, in the City of Birmingham, University Professor,

all until the end of the twelfth annual general meeting of the Governors after the coming into operation of this Scheme;

The Reverend Charles Leslie Mitton, of 14 Cranbrook Road, Handsworth, Minister of Religion,

Evelyn Alice Pope, of Aston House, 1 Arthur Road, Edgbaston, Married Woman,

Dorothy Margaret Shotton, M.B., Ch.B., F.R.C.O.G., of 63 Chadbrook Crescent, Richmond Hill Road, Edgbaston, Consultant Gynaecologist, and

Alexander David Wright, M.A., M.B., B.Chir., F.R.C.P., of 72 Fitzroy Avenue, Harborne, Consultant Physician, all in the City of Birmingham,

John Anthony Stocks, M.A., of 138 Compton Road, Wolverhampton, in the County of West Midlands, Headmaster, and

Dr. Geoffrey Templeman, M.A., Ph.D., of 22 Ethelbert Road, in the City of Canterbury, University Vice-Chancellor,

all until the end of the tenth annual general meeting of the Governors after the coming into operation of this Scheme.

8. *Determination of Governorship*—Any Governor who ceases to be qualified in manner aforesaid, or who is absent from all meetings of the Governors during a period of more than two years without the consent of the Governors, or who is adjudged bankrupt or makes a composition or arrangement with his creditors, or who is incapacitated from acting or who communicates to the Governors a wish to resign shall cease thereupon to be a Governor.

9. *Vacancies*—Upon the occurrence of a vacancy the Governors shall cause a note thereof to be entered in their minute book at their next meeting and in the case of a vacancy in the office of Nominative Governor shall cause notice thereof to be given as soon as possible to the Council. Any competent Governor may be re-appointed.

MEETINGS AND PROCEEDINGS OF GOVERNORS

10. *Meetings*—The Governors shall hold an annual general meeting and may hold such ordinary meetings in each year as they think fit.

11. *First meeting*—The first meeting of the Governors under this Scheme shall be summoned by Peter William Downes Gill of May's Wood House, Wootton Wawen, in the County of Warwickshire, but if he fails for three calendar months after the coming into operation of this Scheme to summon a meeting, by any two of the Governors.

12. *Annual general meeting*—The annual general meeting of the Governors shall be held as soon as practicable after the first day of April in each year. At each annual general meeting the Governors shall—

- (1) Receive from the Council and consider a report on the activities of the College for the preceding year and a copy of the accounts duly audited as hereinafter mentioned;
- (2) Elect such number of Governors (if any) and members of the Council as may be required to fill vacancies, in accordance with the provisions of this Scheme;
- (3) Appoint an Auditor or Auditors;
- (4) Transact any other business.

13. *Special meetings*—A special meeting of the Governors shall be summoned by the Secretary of the College by direction of the Council or upon the requisition in writing of any ten Governors and upon seven days' notice being given to all the Governors of the matters to be discussed. A special meeting may be summoned to take place immediately after an ordinary or annual general meeting.

14. *Chairman*—At all meetings of the Governors the President of the Council, or in his absence the Vice-President, in their capacity as Governors of the College, shall preside; but in the absence of both, the Governors present shall elect a chairman of the meeting.

15. *Quorum*—There shall be a quorum at any meeting of the Governors when the number of Governors present is ten or one third of the multiple of three next above the number of Governors for the time being, whichever number shall be the smaller.

16. *Voting*—Every matter shall be determined by the majority of votes of the Governors 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 Governor in any other circumstances shall have more than one vote.

COUNCIL

17. *Constitution*—For the administration and management of the College there shall be a Council of 14 persons who shall be members of a Christian denomination, consisting of—

- (a) a President and Vice-President, who shall always be Governors of the College;
- (b) twelve other persons.

18. *Functions*—The Council shall be responsible for the day to day administration of the College, and in particular for—

- (1) the appointment, remuneration and dismissal, within the limits permitted by law, of the Principal and (in consultation with the Principal) of the teaching staff of the College in accordance with the provisions of this Scheme;
- (2) the appointment, remuneration and dismissal, within the limits permitted by law, of the Secretary and other officers and servants of the College;
- (3) the admission of students, the determination of fees, and the awarding of bursaries for research and study;
- (4) the making and altering of such bye-laws as may be considered necessary for the conduct of their business, within the limits prescribed by this Scheme, including rules for the summoning of meetings, the use of the common seal, the signing of cheques, the deposit of money at a proper bank and the custody of documents.

19. *Election*—Except at first as hereinafter provided with regard to the first members thereof under this Scheme, members of the Council (hereinafter referred to as Members) shall be elected by the Governors at their annual general meeting, to hold office until the end of the third annual general meeting of the Governors following the date of appointment, in manner following:—

- (1) as to the President, Vice-President and ten other Members upon the nomination of the Council;
- (2) as to one Member upon the nomination of the Archbishop of Canterbury;
- (3) as to one Member upon the nomination of the Conference of the Methodist Church.

20. *First Members*—The following persons shall be the first Members under this Scheme and, subject to the provisions hereinafter contained for determination of office, shall be entitled to hold office for the following periods respectively:—

As nominees of the Council—

The said Professor The Reverend Canon John Gordon Davies,

The Reverend Christopher Hughes Smith, of 36 Amesbury Road, Moseley, in the City of Birmingham, Minister of Religion,

The said Nigel Terence Cook,

The said Stephen Lloyd (Vice-President),

until the end of the third annual general meeting of the Governors after the coming into operation of this Scheme;

The said Reverend Norman Allen Birtwhistle,

The said Reverend Paul Rowntree Clifford,

The said Reverend Robert Owen Latham,

The said Herbert William Tuckey,

until the end of the second annual general meeting of the Governors after the coming into operation of this Scheme;

The said Right Reverend Robert Wylmer Woods (President),

The said David John William Dolton,

The said Ian Christie Lea,

Gertrude Marian Page, of 69 Griffin's Brook Lane, Bournville, in the City of Birmingham, Widow,

until the end of the first annual general meeting of the Governors after the coming into operation of this Scheme.

As nominee of the Archbishop of Canterbury—

The Very Reverend Basil Stanley Moss, M.A., of St. Philip's House, St. Philip's Place, in the City of Birmingham, Provost of Birmingham,

until the end of the first annual general meeting of the Governors after the coming into operation of this Scheme.

As nominee of the Conference of the Methodist Church—

The said Patrick William Welch,

until the end of the third annual general meeting of the Governors after the coming into operation of this Scheme.

21. *Determination of Membership*—Any Member who is absent from all meetings of the Council during a period of more than one year without the consent of the Council or who is adjudged bankrupt or makes a composition or arrangement with his creditors or who is incapacitated from acting or who communicates in writing to the Council a wish to resign shall cease thereupon to be a Member.

22. *Vacancies*—Upon the occurrence of a vacancy among the Members the Council shall cause a note thereof to be entered in their minute book at their next meeting and shall cause notice thereof to be given as soon as possible to the Governors and shall advise the Governors as soon as possible of their nomination, or that of the appropriate person or body, for filling the vacancy. Any competent Member may be re-nominated for election. A casual vacancy may be filled by the Council but a person so appointed shall retain office only until the end of the next annual general meeting of the Governors.

MEETINGS AND PROCEEDINGS OF COUNCIL

23. *Ordinary meetings*—The Council shall hold at least three ordinary meetings in each year.

24. *First meeting*—The first meeting of the Council shall be summoned by the said Peter William Downes Gill or if he fails for three calendar months after the coming into operation of this Scheme to summon a meeting by any two Members.

25. *Chairman*—At all meetings of the Council the President of the Council, or in his absence the Vice-President, shall preside; but in the absence of both, the Members present shall elect a chairman of the meeting.

26. *Special meetings*—A special meeting may be summoned at any time by the chairman or any two Members upon not less than four days' notice being given to the other Members of the matters to be discussed. A special meeting may be summoned to take place immediately after an ordinary meeting.

27. *Quorum*—There shall be a quorum when five Members are present at a meeting.

28. *Voting*—Every matter shall be determined by the majority of votes of the Members 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 Member in any other circumstances shall give more than one vote.

29. *Minutes and accounts*—A minute book and books of account shall be provided and kept by the Council. Statements of account in relation to the College 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 College is excepted by order or regulations.

PRINCIPAL AND TEACHING STAFF

30. *Qualifications*—The Principal and teaching staff of the College shall be practising members of a Christian denomination. The Principal shall always be a graduate, preference being given to an ordained minister of a Christian Church. The teaching staff shall be graduates unless the Council authorises the appointment of a non-graduate in any individual case.

USE OF LAND AND BUILDINGS

31. *Use of land and buildings*—The land and buildings specified in the said schedule shall be appropriated and used for the objects of the College, or any of them.

INSURANCE

32. *Insurance*—The Council shall insure the college buildings to the full value thereof against fire and other usual risks and shall suitably insure in respect of public liability and employers' liability.

APPLICATION OF INCOME

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

34. *Application of income*—Subject to payment of the expenses aforesaid the Council shall apply the income of the College in furthering the objects thereof.

GENERAL PROVISIONS

35. *Committee*—The Council from time to time may appoint three or more of their number to be a committee for the purposes of making any inquiry or superintending or performing any duty which in the judgment of the Council would be more efficiently undertaken by a committee but all acts and proceedings of committees shall be reported in due course to the Council.

36. *Governors and Members not to be personally interested*—No Governor in his individual capacity or Member shall take or hold any interest in the property of the College or shall receive remuneration, or be interested in the supply of work or goods, at the cost of the College.

37. *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.

SCHEDULE

Leasehold land containing 5.6 acres or thereabouts situate at Edgbaston in the City of Birmingham and having frontages to Somerset Road and Farquhar Road with the halls of residence, staff houses, chapel and other college buildings thereon now held for the residue of the term of 99 years from the 25th March 1963 at the yearly rent of £120 created and reserved by a lease dated the 2nd March 1966 and made between Sir Richard Hamilton Anstruther Gough-Calthorpe and two others of the one part and The Queen's College at Birmingham of the other part and a supplemental lease dated the 13th November 1974 and made between Dame Nancy Moireach Anstruther Gough-Calthorpe and three others of the one part and The Queen's College at Birmingham of the other part.

The following investments standing in the name of The Queen's College at Birmingham:

£10,000 The Thomson Organisation Limited 6½% First Mortgage Debenture Stock 1983-88.

£10,300 The Land Securities Investment Trust Limited 6½% First Mortgage Debenture Stock 1978-83.

£10,868 Industrial and Commercial Finance Corporation Limited 6½% Debenture Stock 1981-84.

£10,000 International Computers (Holdings) Limited 6½% Debenture Stock 1981-86.

£10,000 The Marley Tile (Holding) Company Limited 6½% Debenture Stock 1983-88.

£10,000 Allied Suppliers Limited 6% Unsecured Loan Stock 1982-87.

£4,000 The English Electric Company Limited 6% Debenture Stock 1980-85.

£4,000 The General Electric Company Limited 6% Unsecured Loan Stock 1976-81.

£7,500 Vickers Limited 6% Unsecured Loan Stock 1977-80.

£10,000 The Industrial and General Trust Limited 5½% Debenture Stock 1982-87.

200,100 Shares in the Investment Fund administered by the Central Board of Finance of the Church of England under the Church Funds Investment Measure, 1958 (General Endowment Fund).

6,229 Shares in the said Fund (Leasehold Property Sinking Fund).

1,273 Accumulation Shares standing in the name of the Official Custodian for Charities in the Charities Official Investment Fund (provision for loss on sale of investments).

£2,402 cash in a Deposit Fund administered by the Central Board of Finance of the Church of England under the Church Funds Investment Measure, 1958.

£4,309 cash on current account at the branch of Midland Bank Limited at 33 Bennetts Hill, in the City of Birmingham.

This schedule is made up to the 31st August 1976.

Note as to Handsworth Building—One of the above-mentioned college buildings known as the Handsworth Building was erected in 1972 with the sum of £127,000 subscribed by the Conference of the Methodist Church being part of the proceeds of sale of the former Handsworth Methodist College in Birmingham.

Sealed by Order of the Charity Commissioners on the 17th day of October 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 regulation of The Queen's College at Birmingham, a theological college.

The Scheme redefines the purposes of the College, and makes provision for its administration and management. Clause 2 of the Scheme makes provision for the College to afford training for ordination within any Christian denomination instead of within the Church of England only.