

1979 No. 284

CHARITIES

The Charities (Sackville College East Grinstead) Order 1979

Laid before Parliament in draft

Made - - - - 10th March 1979

Coming into Operation 24th March 1979

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 (Sackville College East Grinstead) Order 1979 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.
10th March 1979.

APPENDIX

SCHEME FOR THE ADMINISTRATION OF THE CHARITY CALLED SACKVILLE COLLEGE FOR THE POOR OF THE FOUNDATION OF ROBERT LATE EARL OF DORSET IN THE PARISH OR TOWN OF EAST GRINSTEAD IN THE COUNTY OF SUSSEX

Whereas the Charity called Sackville College for the Poor of the Foundation of Robert late Earl of Dorset in the Parish or Town of East Grinstead in the County of Sussex, at East Grinstead in the County of West Sussex, founded in the year 1609 is now regulated by:

- (1) the will of Robert 2nd Earl of Dorset dated the 10th February 1609;
- (2) Letters Patent of 8th July 1631;
- (3) Ordinances of the 1st August 1631;
- (4) a Scheme of the Charity Commissioners of the 15th May 1956;

and certain subsidiary Charities known as The Sinderson Memorial Fund, Hugh Rose Hill's Trust Fund, The Reverend Herbert Edward Douglas Blakiston's Bequest and the Gift of Lucy Maria Poynder are administered in connexion therewith.

And Whereas the Charities have 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 Charities but that it is desirable for the Scheme to make provision which may go beyond the powers exercisable by them apart from section 19 of the Charities Act 1960:

And Whereas public notice of the Charity Commissioners' proposals for this Scheme has been given and a draft thereof has been communicated to the East Grinstead Town Council as required by section 21 of the Charities Act 1960 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 Charities.*—The above-mentioned Charities and the property thereof specified in the schedule hereto and all other the property (if any) of the Charities shall be administered and managed together as one Charity under the title of the Sackville College Charity (hereinafter referred to as the Charity) subject to and in conformity with the provisions of this Scheme in substitution for the provisions now regulating the Charities by the body of Trustees hereinafter constituted.

2. *Interpretation.*—In this Scheme the expression the College shall mean the almshouses and ancillary buildings known as Sackville College belonging to the Charity.

3. *Corporation.*—The lands belonging to or held in trust for the Charity shall remain vested in the corporation called The Warden Assistants and Poor of Sackville College for poor people in the town of East Grinstead in the County of Sussex of the foundation of Robert Earl of Dorset (hereinafter referred to as the Corporation).

The Corporation shall permit the Trustees to receive and take the annual and other rents, issues and profits of all the real estates which may be vested in the Corporation and from time to time to manage and let the same estates and to use, order and dispose of the goods, chattels and other personal estate (if any) of the Corporation in such manner as the Trustees in their discretion think best.

For the purposes aforesaid the Corporation shall make and execute all such deeds, leases and other instruments and do and perform all such acts as the Trustees require. The Trustees shall be at liberty to use the corporate name of the Corporation for the purpose of bringing or defending such actions and other proceedings as the Trustees think fit and are authorised to bring or defend, the Corporation being saved harmless and indemnified therein out of the estates and property of the Charity. The common seal of the Corporation shall be kept by the Trustees. All leases or other deeds to which the common seal of the Corporation is affixed shall also be signed by at least two of the Trustees.

PATRON

4. *Patron.*—The Right Honourable William Herbrand Sackville Earl De La Warr, and his successor for the time being as heir at law of Elizabeth first Baroness Buckhurst if of full age shall be the Patron of the Charity and shall have the rights exercisable as hereinafter provided with respect to the offices of the Warden and Assistant Wardens of the Charity.

TRUSTEES

5. *Trustees.*—The persons who from time to time are the Warden and Assistant Wardens of the Charity as hereinafter constituted shall be the Trustees of the Charity.

WARDEN

6. *Appointment of Warden.*—Except at first as hereinafter provided, the Warden of the Charity shall be appointed by the Patron to hold office for life, but if no such appointment has been made within three months of the occurrence of a vacancy then the Warden shall be appointed by the Assistant Wardens or, if there is only one Assistant Warden, in such manner as the Charity Commissioners by Order prescribe.

7. *First Warden.*—Subject to the provisions hereinafter contained for the determination of the office of Warden, the following person shall be the first Warden of the Charity under this Scheme and shall hold office for life:

Peter Alexander Williams, D.S.C., of Shawhurst Farm, Hartfield, in the County of East Sussex, Solicitor.

8. *Resignation of Warden.*—The Warden may resign his or her office at any time by giving notice in writing to the Patron, or, if there is no Patron or the Patron is incapable of acting, to the two Assistant Wardens.

9. *Removal from office of Warden.*—(1) The Patron or, if there is no Patron or the Patron is incapable of acting, the two Assistant Wardens may remove the Warden on account of age, infirmity, incapacity, neglect of duty or other sufficient cause after having given him or her one month's notice in writing of their intention so to do.

(2) The Assistant Wardens may request the Patron in writing to remove the Warden for any of the above-mentioned reasons, and if the Patron fails to give a decision on such a request within two months from the date thereof the Assistant Wardens may remove the Warden after having given him or her notice as aforesaid.

10. *Duties of Warden.*—(1) The Warden shall be responsible for the management and control of the College and the arrangements for the care of the Brethren and Sisters.

(2) The Warden shall be responsible for keeping in good repair the buildings of the College and the gardens, grounds and boundary fences thereof. The Warden shall not without first consulting the Assistant Wardens undertake any works of repair or enter into any contract or give any instructions to any builder or other person for such

works the cost of which exceed at any one time the sum of £280 or other the amount approved by the Commissioners from time to time.

(3) The Warden if not resident in the Warden's Quarters shall visit the College once in every week but may delegate his or her powers during illness or absence on vacation to one of the Assistant Wardens.

(4) The Warden shall cause Divine Service to be celebrated in the Chapel of the College for the benefit of the Brethren and Sisters. The times and frequency of the services shall be at the discretion of the Warden but Holy Communion shall be celebrated at least four times in every year.

11. *Residence of Warden.*—The Warden shall reside in or near the Parish of East Grinstead, and may if he or she so wishes reside in the Warden's Quarters of the College free of rent but paying all other outgoings.

12. *Remuneration of Warden.*—Subject as hereinbefore provided the Warden shall not receive any remuneration at the cost of the Charity.

ASSISTANT WARDENS

13. *Appointment of Assistant Wardens.*—(1) There shall be two Assistant Wardens of the Charity, who shall be persons who through residence, occupation or otherwise have special knowledge of the Parish of East Grinstead.

(2) Except at first as hereinafter provided, each Assistant Warden shall be appointed for a term of five years by a resolution of the Warden and the remaining Assistant Warden, but if no such appointment has been made within three months of the occurrence of the vacancy then the Assistant Warden shall be appointed by the Patron.

14. *First Assistant Wardens.*—Subject to the provisions hereinafter contained for the determination of the office of Assistant Warden, the following persons shall be the first Assistant Wardens of the Charity under this Scheme and shall hold office for life:

Joy Verdon Williams, of Shawhurst Farm, Hartfield, in the County of East Sussex, Married Woman, and

Winifred Wood, of Cypress Lodge, Sandy Lane, East Grinstead, Married Woman.

15. *Resignation of Assistant Warden.*—An Assistant Warden may resign his or her office at any time by giving notice in writing to the Warden.

OFFICERS OF CHARITY

16. *Officers of Charity.*—The Trustees may employ such officers and servants as are necessary for the proper administration of the Charity at such reasonable salaries and upon such reasonable terms as to notice and otherwise within the limits permitted by law as the Trustees think fit.

MANAGEMENT OF LANDS

17. *Warden's Quarters.*—In the event of the Warden's not residing in the Warden's Quarters at the College the Trustees may let the Warden's Quarters at the best rent obtainable for a term of not more than three years certain on each occasion.

18. *Letting of grounds and outbuildings.*—The Trustees may let from time to time upon such terms as they think fit any part of the grounds of the College and any outbuildings thereon not for the time being required for the purposes of the Charity. Without the sanction of the Charity Commissioners or a competent court the Trustees shall not create any tenancy wholly or partly in consideration of a fine or for a term ending more than 22 years after it is granted or for less than the best rent obtainable.

19. *Use of ballroom.*—The Trustees may appropriate as a museum the room in the College known as the ballroom and may accept for display therein furniture and works of art either as absolute gifts or on loan.

20. *Admission to public.*—The Trustees may admit members of the public to view the College and the grounds thereof and may make such charges for admission as they think fit including charges for admission to separate parts of the College.

21. *Use of grounds for fetes.*—The Warden at his or her discretion may permit the grounds of the College to be used with or without payment for the purposes of fetes or garden parties organised on behalf of any institution charitable or otherwise directly or indirectly connected with the Parish of East Grinstead.

INSURANCE

22. *Insurance.*—The Trustees shall insure the College 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

23. *Expenses of management.*—The Trustees 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.

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

- (1) The Trustees 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 College and other property belonging to the Charity.
- (2) The fund shall be established and maintained out of the income of the Charity either by transfer to the fund of a yearly sum of not less than £500 or in such other manner as the Charity Commissioners from time to time approve or direct.
- (3) The fund and the income therefrom shall be invested in the name of the Official Custodian for Charities.

25. *Benefit of Brethren and Sisters.*—Subject to the payments aforesaid the Trustees shall apply the income of the Charity for the benefit of the Brethren and Sisters or any of them in such manner as the Trustees think fit from time to time.

COLLEGE, BRETHERN AND SISTERS

26. *College.*—The College belonging to the Charity and the property occupied therewith shall be appropriated and used for the residence of the Brethren and Sisters in conformity with the provisions of this Scheme.

27. *Saving for existing Brethren and Sisters.*—Appointments of Brethren and Sisters under this Scheme shall be made without prejudice to the interests of the existing Brethren and Sisters.

28. *Qualifications of Brethren and Sisters.*—(1) The Brethren and Sisters shall be poor persons of good character who are not less than 50 years of age at the time of appointment. Preference shall be given to persons qualified as aforesaid who are resident in the Parish of East Grinstead or elsewhere in the County of West Sussex.

(2) A married couple may be appointed to be a Brother and Sister respectively if both are qualified as aforesaid.

29. *Contributions.*—The Warden may make it a condition of appointing or permitting any person to be or remain a Brother or Sister that he or she shall contribute from resources available to him or her a weekly sum towards the cost of maintaining the College and essential services therein but so that the amount of the weekly sum shall not—

- (1) be such as to cause hardship to him or her;
- (2) be more than £9.50 for shared accommodation and £10.75 for self-contained accommodation or other the amount approved from time to time by the Charity Commissioners.

30. *Notice of vacancy.*—No appointment of a Brother or Sister shall be made by the Warden 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.

31. *Applications for appointment.*—All applications for appointment shall be made in writing to the Warden in such manner as the Warden directs. Before appointing any applicant to be a Brother or Sister the Warden shall require him or her to attend in person unless he or she is physically disabled or the Warden is 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.

32. *Selection of Brethren and Sisters.*—The Brethren and Sisters shall be selected only after full investigation of the character and circumstances of the applicants.

33. *Appointments of Brethren and Sisters.*—Every appointment of a Brother or Sister shall be made by the Warden.

34. *Records.*—The Warden shall provide and keep a book in which shall be entered the name, age and description of every person appointed to be a Brother or Sister, the date of every appointment and the date and occasion of every vacancy. The Warden shall also keep a register of all applications for appointment.

35. *Rooms not to be let.*—(1) No Brother or Sister shall be permitted to let or part with the possession of the room or rooms allotted to him or her.

(2) Except with the special permission of the Warden no Brother or Sister shall be permitted to allow any person to share the occupation of the room or rooms allotted to him or her or of any part thereof during the hours when the College is closed.

36. *Matron.*—The Warden and one or both of the Assistant Wardens may appoint a Matron to perform such duties as may be necessary for the superintendence and care of the Brethren and Sisters at such reasonable salary 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 Matron a room or rooms in the College as a residence for her while she holds office as Matron.

37. *Deputy Matron.*—The Warden and one or both of the Assistant Wardens may appoint a Deputy Matron to assist the Matron in the performance of her duties as aforesaid and may allot to the Deputy Matron a room or rooms in the College as a residence for her while she holds office as Deputy Matron.

38. *Porter.*—The Warden may appoint a Porter at such reasonable salary as the

Warden thinks fit. The Porter shall occupy the room or rooms in the College set aside for the use of the Porter.

39. *Setting aside appointments.*—(1) The Warden may set aside the appointment as a Brother or Sister of any Brother or Sister who in his or her opinion—

- (a) persistently or without reasonable excuse either disregards the regulations for the Brethren or Sisters or disturbs the quiet occupation of the College or otherwise behaves vexatiously or offensively; or
- (b) no longer has the required qualifications; or
- (c) has been appointed without having the required qualifications; or
- (d) is suffering from mental or other disease or infirmity rendering him or her unsuited to remain a Brother or Sister.

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

(3) The Warden upon recovery of a Brother or Sister 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 qualification as to residence.

40. *Regulations.*—The Trustees may prescribe from time to time such reasonable regulations as they consider expedient for the government of the College as are not at variance or inconsistent with the provisions of this Scheme, and such regulations may provide (1) that any Brother or Sister who desires to be absent from the College for more than 28 days in any one year shall obtain the prior consent of the Trustees and (2) for the notification by Brethren and Sisters of any intended temporary absence from the College.

41. *Accounts.*—Statements of account in relation to the Charity 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.

GENERAL PROVISIONS

42. *Trustees not to be personally interested.*—Save as hereinbefore provided in the case of the Warden 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 remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

43. *Charity not to relieve public funds.*—The Trustees shall not apply income of the Charity directly in relief of rates, taxes or other public funds.

44. *Donations.*—The Trustees may accept donations or property for the general purposes of the Charity or for any special purposes connected with the Charity not inconsistent with the provisions of this Scheme.

45. *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

Description	Tenant, person liable or persons in whose name invested	Gross yearly income
		£
The following land situate at East Grinstead in the County of West Sussex:		
Land having frontages to High Street Church Lane and College Lane with the buildings thereon known as Sackville College.	In hand	—
Land with the building thereon known as the Warden's Quarters.		
Land having a frontage to Church Lane adjoining the gardens of the said college being the land comprised in a deed of gift made the 4th November 1929 between The Right Honourable Muriel Agnes Countess De La Warr of the one part and The Warden, Assistants and Poor Persons of Sackville College of the other part		
The following rentcharges or yearly payments charged upon or issuing out of the following land situate in the said county:		
Land comprising the Manor of Chiddingley		3-03
Land comprising the Manor of Houghton.	The Right Honourable Lord Sackville	14-29
Land comprising the Manor of Lullington.	do.	9-68
Land comprising the Manor of Mickelham.	do.	11-67
Land comprising the Rectory of East Grinstead.	do.	1-17
Land at Wethyham known as Hill View Willett's Lane.	Ashby	2-27
Parts of the land situate at Lewes known as Rise Farm	The Right Honourable Lord Sackville	3-03
Parts of the said land known as Rise Farm.	H. C. Robinson	12-20
Land comprising the Manor of Altrington (now part of the land known as Conyborough Estates).	Lord Monk Bretton	2-97
The following rentcharges or yearly payments charged upon or issuing out of the following land situate in the County of Kent:		
Land comprising the Manor of Knole.	The Right Honourable Lord Sackville	2-33
Land comprising the Manor of Milton.	do.	8-46
A rentcharge or yearly payment charged upon or issuing out of land situate in the City of London known as St. Bride's House, Salisbury Square.	John Haddon and Company Limited	0-58

The following investments standing in the names of Peter Alexander Williams, Winifred Wood and Joy Verdon Williams:

£9,409-97 9% Treasury Loan 1994.

£225 East Surrey Water Company 9% Redeemable Preference Stock 1992-94.

£2,070 Greater London Council 12½% Stock 1983.

£2,116 9% Treasury Convertible Stock 1980 (Sinderson Memorial Fund).

£1,250 Alexanders Discount Company Limited.

Ordinary Shares of £1 each.

£1,760 Commercial Union Assurance Company, Limited.

Ordinary Shares of 25p each.

630 Davy International Limited Ordinary Shares of 25p each.

£2,550 Debenhams Limited 11% Convertible Unsecured Loan Stock 1993-98.

£2,645 Delta Metal Company Limited Ordinary Shares of 25p each.

£2,200 EMI Limited 8½% Convertible Unsecured Loan Stock 1981.

£2,900 GEI International Limited 10% Partly Convertible Unsecured Loan Stock 1987-92.

£315 Imperial Chemical Industries Limited Ordinary Stock.

2,900 Imperial Group Limited Ordinary Shares of 25p each.

£1,235 London & Scottish Marine Oil Company Limited 14% Unsecured Loan Stock 1981/83.

355 London & Scottish Marine Oil Company Limited Oil Production Stock Units of 10p each.

£2,500 Ransome Hoffmann Pollard Limited 8% Convertible Unsecured Loan Stock 1984.

£800 Tate & Lyle Limited Ordinary Stock.

1,900 Triplevest Limited Income Shares.

3,300 F. W. Woolworth and Co., Limited Ordinary Stock units of 25p each.

25,936 Income Shares in National Association of Almshouses Common Investment Fund standing in the name of the Official Custodian for Charities.

This schedule is made up to the 16th August 1977.

Sealed by Order of the Charity Commissioners on the 14th December 1978.

(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 Sackville College at East Grinstead in the County of West Sussex, an almshouse charity, together with certain subsidiary charities associated therewith.

The Scheme supersedes all the existing provisions regulating the charity, constitutes the offices of Patron, Warden and Assistant Wardens of the charity and prescribes their duties. The principal changes made with regard to the College are that the existing requirement to accommodate specific numbers of unmarried men and women is abolished, and the Trustees are given a power to charge not more than £9.50 a week per person for shared accommodation and £10.75 a week each for self-contained accommodation, or such sum as the Charity Commissioners approve, by way of contribution to the cost of maintaining the College.