
STATUTORY INSTRUMENTS

1982 No. 1326

CHARITIES

The Charities (Jarvis Eleemosynary Charity) Order 1982

Laid before Parliament in draft

Made- - - -

16th September 1982

Coming into Operation

30th September 1982

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 (Jarvis Eleemosynary Charity) Order 1982 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.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
16th September 1982.

APPENDIX

SCHEME FOR THE ADMINISTRATION OF THE JARVIS ELEEMOSYNARY CHARITY, IN THE PARISHES OF STAUNTON ON WYE, BREDWARDINE AND LETTON, IN THE COUNTY OF HEREFORD AND WORCESTER.

Whereas the Charity now called the Jarvis Eleemosynary Charity was constituted by a Scheme of the Charity Commissioners of the 29th November 1904 and is regulated upon trusts contained in the following instruments:

- (1) Jarvis's Charity Act, 1852 (a) ;
- (2) A Scheme established under the said Act by an Order of the Court of Chancery of the 2nd August 1852;
- (3) A Scheme of the Charity Commissioners of the 9th June 1950;
- (4) A Scheme of the Charity Commissioners of the 24th October 1962;
- (5) A Scheme of the Charity Commissioners of the 2nd December 1975:

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 provisions made by the said Act:

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 a draft thereof has been communicated to the parish council for each parish in the area of the Charity and no representations have been received by the Charity Commissioners in respect thereof:

And Whereas in pursuance of sections 18(8) and 19(6) of the Charities Act 1960 the Charity Commissioners have given notice to each of the charity trustees not party or privy to the application aforesaid of their intention to settle this Scheme:

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:—

(a) 15-16V. c.17 (Private).

SCHEME

1. *Administration of Charity.*—(1) The above-mentioned Charity and the property thereof specified in Schedule 1 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) The land numbered 2 in the said Schedule, and the holding of 772.32 Income Shares in the Charities Official Investment Fund specified in the said Schedule shall be administered and managed as a separate Charity under the title of the Jarvis Recreational Charity (hereinafter called the Recreational Charity) and the residue of the aforesaid property shall continue to be administered under the title of the Jarvis Eleemosynary Charity (hereinafter called the Eleemosynary Charity).

(3) The Recreational Charity and the Eleemosynary Charity shall be administered by the body of Trustees hereinafter constituted, and are hereinafter referred to as the Charities.

2. *Vesting.*—The land numbered 2 in Schedule 1 hereto is hereby vested in the Official Custodian for Charities for all the estate and interest therein held upon charitable trust.

3. *Investment of cash.*—Sums of cash at any time belonging to the Charities and not needed for immediate working purposes shall be invested in the name of the said Official Custodian unless the Charity Commissioners otherwise direct.

TRUSTEES

4. *Trustees.*—Subject as hereinafter provided, the body of Trustees shall consist when complete of 17 competent persons being

Two Ex-officio Trustees,
Seven Nominative Trustees and
Eight Co-optative Trustees.

5. *Ex-officio Trustees.*—The Ex-officio Trustees shall be

The Incumbent for the time being of the Ecclesiastical Parish of Bredwardine with Brobury,
The Incumbent for the time being of the Ecclesiastical Parish of Letton with Willersley, Staunton on Wye, Byford, Mansel Gamage and Monnington on Wye:

Provided that in either case during such time as there is no incumbent the Priest-in-Charge of the parish concerned shall be entitled to act as an Ex-officio Trustee, and during such time as both parishes are served by the same priest who would qualify herein for both ex-officio trusteeships the number of Ex-officio Trustees shall be reduced from two to one.

6. *Nominative Trustees.*—The Nominative Trustees shall be appointed as follows:—

Three by the Group Parish Council of Staunton on Wye and District,
Three by the Group Parish Council of Wyeside and
One by the Group Parish Council of Kinnersley and District.

Except at first as hereinafter provided each appointment shall be made for a term of four years at a meeting convened and held according to the ordinary practice of the council concerned. The chairman of the meeting shall cause the name of each person appointed to be notified forthwith to the Trustees or their clerk. The person appointed may be but need not be a member of the council concerned.

7. First Nominative Trustees.—The following persons shall be the first Nominative Trustees and subject to the provisions hereinafter contained for determination of trusteeship shall be entitled to hold office as if they had been appointed by the respective appointing bodies under this Scheme for the following periods respectively:

As appointees of the Group Parish Council of Staunton on Wye and District:

Clifford Royston Jenkins, of Sherrifs Cottage, Staunton on Wye, Agricultural Contractor, and

David King, of Red Ley, Letton, Local Government Officer, both for four years from the coming into effect of this Scheme;

Arthur Cowap, of Old Letton Court, Letton, Farmer, for two years from the coming into effect of this Scheme;

As appointees of the Group Parish Council of Wyeseide:

Reginald Own Price, of The Weston, Bredwardine, Farmer, and Doreen Ann Wyatt, of Springfield, Bredwardine, Married Woman, both for four years from the coming into effect of this Scheme;

Edwin Michael Thomas, of 2 Orchard Place, Bredwardine, Foreman Storekeeper, for two years from the coming into effect of this Scheme;

As appointee of the Group Parish Council of Kinnersley and District:

Kenneth Davies, of Yew Tree Farm, Letton, Farmer, for two years from the coming into effect of this Scheme.

8. Co-optative Trustees.—The Co-optative Trustees shall be persons who through residence, occupation or employment, or otherwise have special knowledge of the Parishes of Staunton on Wye, Bredwardine and Letton.

9. First Co-optative Trustees.—The following persons shall be the first Co-optative Trustees and subject to the provisions hereinafter contained for determination of trusteeship shall be entitled to hold office for life:

Douglas Turner Berry, of Greenfields, Kinnersley, Retired Bank Official,

Roy Harris Blandford, of New Court, Brobury, Farmer,

Gilbert Samuel Bowen, of Benfield Farm, Bredwardine, Farmer,

Stephen George Jay, of Moorhampton House, Yazor, Farmer,

Albert Ivor Lewis, of Pool Cottage, Brobury, Farmer,

all in the County of Hereford and Worcester,

Geoffrey Donald Matthews, of Harewood Farm, Hay-on-Wye, in the County of Powys, Farmer,

Reginald Moncrieff McCann, of The Steppes, Staunton on Wye, Retired Company Director, and

Angela Winifred Pearson-Gregory, of Monnington House, Monnington, Married Woman, both in the County of Hereford and Worcester.

10. *Future Co-optative Trustees.*—Every future Co-optative Trustee shall be appointed for a term of five years by a resolution of the Trustees passed at a special meeting of which not less than 21 days' notice has been given and may be so appointed not more than one month before the term of an existing Co-optative Trustee expires with effect from the date of expiry but so that the latter shall not vote on the matter.

11. *Declaration by Trustees.*—No person shall be entitled to act as a Trustee whether on a first or on any subsequent entry into office until after signing a declaration of acceptance and of willingness to act in the trusts of the Charities.

12. *Determination of trusteeship.*—Any Nominative or Co-optative Trustee who is absent from all meetings of the Trustees during a period of two consecutive years and any Trustee who is adjudged bankrupt or makes a composition or arrangement with his or her creditors or who is incapacitated from acting or who communicates in writing to the Trustees a wish to resign shall cease thereupon to be a Trustee.

13. *Vacancies.*—Upon the occurrence of a vacancy the Trustees 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 Trustee shall cause notice thereof to be given as soon as possible to the proper appointing body. Any competent Trustee may be re-appointed.

MEETINGS AND PROCEEDINGS OF TRUSTEES

14. *Ordinary meetings.*—The Trustees shall hold at least two ordinary meetings in each year.

15. *First meeting.*—The first meeting of the Trustees shall be summoned by their clerk, or if he fails for three calendar months after the coming into effect of this Scheme to summon a meeting by any two of the Trustees.

16. *Chairman.*—The Trustees at their first ordinary meeting in each year shall elect one of their number to be chairman of their meetings until the commencement of the first ordinary meeting in the following year. The chairman shall always be eligible for re-election. If at any meeting the chairman is not present within ten minutes after the time appointed for holding the same or there is no chairman the Trustees present shall choose one of their number to be chairman of the meeting.

17. *Special meetings.*—A special meeting may be summoned at any time by the chairman or any two Trustees upon not less than four days' notice being given to the other Trustees of the matters to be discussed, but if the matters include an appointment of a Co-optative Trustee then upon not less than 21 days' notice being so given. A special meeting may be summoned to take place immediately after an ordinary meeting.

18. *Quorum.*—There shall be a quorum when six Trustees are present at a meeting.

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

20. *Minutes and accounts.*—A minute book and books of account shall be provided and kept by the Trustees. Statements of account in relation to the Charities 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 Charities are excepted by order or regulations.

21. *General power to make regulations.*—Within the limits prescribed by this Scheme the Trustees shall have full power from time to time to make regulations for the management of the Charities 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.

22. *Clerk.*—The Trustees may appoint as clerk one of their number without remuneration who shall be dismissible at their pleasure or some other fit person at such reasonable salary and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit.

EXPENSES OF MANAGEMENT

23. *Expenses of management.*—The Trustees shall first defray the cost of repairs and insurance and all other charges and outgoings payable in respect of the property of each Charity out of the yearly income of that Charity, and all the proper costs, charges and expenses of and incidental to the administration and management of the Charities out of the yearly income thereof, as between the Charities so far as may be rateably.

JARVIS RECREATIONAL CHARITY

24. *Application of income.*—Subject to payment of the expenses aforesaid, the Trustees shall apply the clear yearly income of the Recreational Charity so far as requisite for charitable recreational purposes for the benefit of the inhabitants of any of the Parishes of Staunton on Wye, Bredwardine and Letton and, as to the residue thereof, for general charitable purposes for the benefit of the inhabitants of any of the said parishes: Provided that income shall not be applied under this clause in relief of rates, taxes or other public funds.

25. *Continuation of letting.*—The Trustees may continue to let the land numbered 2 in Schedule 1 hereto to the Group Parish Council of Staunton on Wye for use as a children's playground, in like manner as heretofore.

26. *Application of property.*—The Trustees may at any time apply the whole or part of the property of the Recreational Charity in or towards providing land or buildings to be held upon trust for charitable recreational purposes in any of the said parishes, upon such terms for the recoupment to capital of monies expended upon buildings as the Charity Commissioners may by further Order or Orders provide.

JARVIS ELEEMOSYNARY CHARITY

INSURANCE

27. *Insurance.*—The Trustees shall insure the almshouses of the Eleemosynary 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

28. *Application of income.*—Subject to payment of the expenses aforesaid, the Trustees shall apply the yearly income of the Eleemosynary Charity in manner following.

29. *Cyclical Maintenance Fund.*—(1) The Trustees may continue to 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 almshouses and other property belonging to the Eleemosynary Charity which recur at infrequent intervals.

(2) The fund may be maintained out of the income of the Eleemosynary Charity by setting aside a yearly sum of £1,440 or such other sum as the Charity Commissioners from time to time approve and may be invested by the Trustees in their own names in trust for that Charity.

30. *Extraordinary Repair Fund.*—Subject to any further Order or direction 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 almshouses belonging to the Eleemosynary Charity.

(2) The fund shall be established with a holding of 1,026 Accumulation Shares in the National Association of Almshouses Common Investment Fund specified in Schedule 1 hereto and standing to the credit of the Maintenance and Improvement Fund established pursuant to the provisions of the above-mentioned Scheme of the 9th June 1950.

(3) The fund shall be maintained out of the income of the Eleemosynary Charity either by transfer to the fund of a yearly sum of not less than £540 or in such other manner as the Commissioners from time to time approve or direct.

(4) The part of the fund expendable for the purposes thereof shall be that part only which represents the excess in value of the fund for the time being over the value at the same time of the permanent endowment contributed to the fund.

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

31. *Benefit of residents.*—Subject to the payments aforesaid the Trustees shall apply the yearly income of the Eleemosynary Charity so far as requisite for the benefit of the residents in the almshouses of that Charity or any of them in such manner as the Trustees think fit from time to time and as to the residue thereof, for relief in need in accordance with the provisions hereinafter contained.

RELIEF IN NEED

32. *Relief in need.*—(1) The Trustees shall apply income of the Eleemosynary Charity for relief in need in relieving either generally or individually persons who are in conditions of need, hardship or distress and inhabitants of the Districts of Leominster and South Herefordshire 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. Preference shall be given to persons who are inhabitants of the Parishes of Staunton on Wye, Bredwardine and Letton.

(2) The Trustees 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.

33. *Restrictions.*—In applying income of the Eleemosynary Charity for relief in need the Trustees shall observe the following restrictions:

- (1) They shall not apply any part of the income directly in relief of rates, taxes or other public funds but may apply income in supplementing relief or assistance provided out of public funds.
- (2) They shall not commit themselves to repeat or renew the relief granted on any occasion in any case.

ALMSHOUSES AND RESIDENTS

34. *Almshouses.*—The almshouses belonging to the Eleemosynary Charity and the property occupied therewith shall be appropriated and used for the accommodation of residents in conformity with the provisions of this Scheme.

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

36. *Qualifications of residents.*—The residents shall be poor persons who (except in special cases to be approved by the Charity Commissioners) are inhabitants of the Districts of Leominster and South Herefordshire. Preference shall be given to inhabitants of the Parishes of Staunton on Wye, Bredwardine and Letton.

37. *Contributions.*—The Trustees 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 almshouses 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 £6.50 or other the amount approved from time to time by the Charity Commissioners;
- (2) contribute towards the cost of lighting and heating the almshouses and providing hot water therein.

38. *Notice of vacancy.*—Except as hereinafter provided, no appointment of a resident shall be made by the Trustees until a sufficient notice of an existing vacancy specifying the qualifications required from applicants 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 contained in Schedule 2 hereto.

39. *Applications for appointment.*—All applications for appointment shall be made to the Trustees or their clerk in such manner as the Trustees direct. Before appointing any applicant to be a resident the Trustees shall require him or her to attend in person unless he or she is physically disabled or the Trustees are of opinion that special circumstances render this unnecessary. An applicant may be required to supply evidence of his or her qualification for appointment.

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

41. *Appointments of residents.*—Every appointment of a resident shall be made by the Trustees at a special meeting.

42. *Records.*—The Trustees shall provide and keep a book 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 register of all applications for appointment.

43. *Absence from almshouses.*—The Trustees shall require that any resident who desires to be absent from the almshouses for more than 28 days in any one year shall obtain the prior consent of the Trustees or of some officer of the Charity to be nominated by them.

44. *Rooms not to be let.*—No resident shall be permitted to let or part with the possession of the room or rooms allotted to him or her or except with the special permission of the Trustees to allow any person to share the occupation of the same or of any part thereof.

45. *Setting aside appointments.*—(1) The Trustees may set aside the appointment of any resident who in their opinion—

- (a) persistently or without reasonable excuse either disregards the regulations for the residents or disturbs the quiet occupation of the almshouses 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 resident.

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

(3) The Trustees 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.

46. *Regulations.*—The Trustees may prescribe from time to time such reasonable regulations as they consider expedient for the management of the almshouses and the welfare of the residents but so that the same shall not be at variance or inconsistent with any of the provisions of this Scheme.

GENERAL PROVISIONS

47. *Appropriation of benefits.*—The appropriation of the benefits of the Charities shall be made by the Trustees at meetings of their body and not separately by any individual Trustee or Trustees: Provided that the Trustees from time to time may appoint two or more members of their body to be a committee for relieving need in cases of emergency but all acts and proceedings of committees shall be reported in due course to the Trustees.

48. *Trustees not to be personally interested.*—No Trustee shall take or hold any interest in property belonging to the Charities 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 Charities.

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

SCHEDULE 1

Clause 1

The following land situate in the Parish of Staunton on Wye:

1. Land having a frontage on the south east to Hereford Road, with the almshouses thereon.
2. Land containing 3,450 square yards or thereabouts having a frontage to the Bridle Path, now let on licence to the Group Parish Council of Staunton on Wye and District for use as a children's playground.

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

£2,934.06 6% Funding Loan, 1993 (Account for recoupment of capital expended under the authority of an Order of the Charity Commissioners of the 7th August 1968).

£448.49 6% Funding Loan, 1993.

54,789 Income Shares in The National Association of Almshouses Common Investment Fund.

1,026 Accumulation Shares in The National Association of Almshouses Common Investment Fund (Maintenance and Improvement Fund).

772.32 Income Shares in the Charities Official Investment Fund (Recreation Grounds Fund).

£1,065.68 cash on deposit in a National Savings Bank Investment Account (Cyclical Maintenance Fund).

£1,205.65 cash on deposit account at the Broad Street, Hereford branch of National Westminster Bank Limited, being accumulations of income.

£1,930.51 cash on current account at the said branch of the said bank.

Notes.—(1) This Schedule is made up to the 19th December 1981.

(2) The land numbered 1 above is vested in the Official Custodian for Charities by virtue of an Order of the Charity Commissioners of the 22nd July 1864, as affected by the provisions of the Charities Act 1960.

SCHEDULE 2

Clause 38

FORM OF NOTICE

A residence is available for a person in need resident in the Districts of Leominster and South Herefordshire.

Apply for details to
before

Sealed by Order of the Commissioners this 2nd day of June 1982.



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 Jarvis Eleemosynary Charity, being a charity for almshouses and relief in need for the benefit of the Parishes of Staunton on Wye, Bredwardine and Letton, in Hereford and Worcester, which also administers certain property for recreational and other charitable purposes in those parishes.

The Scheme effects a division into an Eleemosynary and a Recreational Charity, reconstitutes the body of trustees for the administration of the trusts, and makes provision for the management of the almshouses and the application of income for relief in need and recreational and other charitable purposes. The area of benefit of the Eleemosynary Charity is extended, but subject to a preference for the original area.