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STATUTORY INSTRUMENTS

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1983 No. 588

CHARITIES

**The Charities (Sutton's Hospital in  
Charterhouse) Order 1983**

*Laid before Parliament in draft*

*Made* - - - - 18th April 1983

*Coming into Operation* 2nd May 1983

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 that Scheme does not alter any statutory provision contained in or having effect under any public general Act of Parliament:

And Whereas a draft of this Order has been laid before Parliament and the period of forty days mentioned in section 6(1) of the Statutory Instruments Act 1946(b) has expired, and neither House of Parliament has within that period resolved that the Order be not made:

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 (Sutton's Hospital in Charterhouse) Order 1983 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.  
18th April 1983.

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(a) 1960 c. 58.

(b) 1946 c. 36.

## APPENDIX

### SCHEME FOR THE ADMINISTRATION OF THE CHARITY CALLED SUTTON'S HOSPITAL IN CHARTERHOUSE, IN THE FORMER COUNTY OF LONDON

Whereas the Charity incorporated under the name of the Hospital of King James founded in Charterhouse within the County of Middlesex at the humble petition and only costs and charges of Thomas Sutton Esquire by Letters Patent granted on the 22nd June 1611 as confirmed by an Act of Parliament of the year 1627<sup>(a)</sup> but now (exclusive of that part of the endowments thereof determined by an Order of the Charity Commissioners on the 14th November 1905 under the Board of Education Act 1899<sup>(b)</sup>, section 2(2) to be held for solely educational purposes under the title of The Charterhouse School) commonly called Sutton's Hospital in Charterhouse is now regulated by:

- (1) The said Letters Patent of the 22nd June 1611;
- (2) The said Act of Parliament of the year 1627;
- (3) An Act of Parliament of the year 1721 intituled an Act for preventing delays in the execution of the trust reposed in the governors of the hospital of King James, founded in Charterhouse, at the charges of Thomas Sutton Esquire, for the benefit of the said hospital<sup>(c)</sup>;
- (4) Section 29 of the Public Schools Act 1868<sup>(d)</sup>;
- (5) A Scheme of the Charity Commissioners of the 20th December 1946 confirmed by the Sutton's Hospital in Charterhouse Charity Scheme Confirmation Act, 1948<sup>(e)</sup>;
- (6) A Scheme of the Charity Commissioners of the 29th November 1955 confirmed by the Sutton's Hospital (Charterhouse) Charity Scheme Confirmation Act, 1956<sup>(f)</sup>;
- (7) A Scheme of the High Court of Justice (Chancery Division) of the 22nd March 1956; and
- (8) Schemes of the Charity Commissioners of the 1st June 1962, the 20th July 1970, the 13th September 1971 and the 30th May 1979:

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 Acts of 1627 and 1721:

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 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 of their intention to settle this Scheme to each of the charity trustees not 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.*—(1) There shall continue to be a body corporate by the name of the Hospital of King James founded in Charterhouse within the County of Middlesex at the humble petition and only costs and charges of Thomas Sutton Esquire now (exclusive as aforesaid) commonly called Sutton's Hospital in Charterhouse (hereinafter referred to as the Charity). The 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 save as provided in sub-clause (2) of this clause subject to and in conformity with the provisions of this Scheme in substitution for the provisions now regulating the Charity.

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(a) 3 Cha. 1. c. 1. (Private). (b) 1899 c. 33.

(d) 31 & 32 Vict. c. 118. (e) 11 & 12 Geo. 6 c. v.

(c) 8 Geo. 1 c. 29.

(f) 4 & 5 Eliz. 2 c. lvi.

(2) Subject as provided in clause 25 below the investments specified in Part II of the said Schedule shall continue to be held in the name of the Official Custodian for Charities on accumulating accounts pursuant to the Orders of the Charity Commissioners therein respectively referred to.

2. *Interpretation.*—In this Scheme the following expressions shall have the following meanings:—

The expression “the General Fund Income” shall mean the income derived from—

- (1) the property of the Charity specified in Part I of the said Schedule,
- (2) the property of the Charity specified in Part II of the said Schedule except during such time as it is held in the name of the said Official Custodian on accumulating accounts pursuant to the Orders of the Commissioners above referred to or the provisions of clause 25 below, and
- (3) any other property held by the Governors not being property held exclusively for the benefit of the Hospital of the Charity or property specified in Part II of the said Schedule during the time referred to in paragraph (2) above.

The expression “the Hospital Branch Income” shall mean the income derived from the property of the Charity specified in Part III of the said Schedule and any other property held by the Governors exclusively for the benefit of the Hospital of the Charity not being property held in the fund established under clause 29 below.

The expression “the Hospital property” shall mean the land and buildings specified in Part III of the said Schedule.

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

4. *Body corporate.*—For the purposes of administering the Charity there shall continue to be a body corporate by the name of the Governors of Sutton’s Hospital in Charterhouse with perpetual succession and a common seal in which the land and buildings specified in Parts I and III of the said Schedule and belonging to the Charity are vested.

5. *Governors.*—(1) There shall continue to be sixteen Governors each of whom except at first as hereinafter provided shall be appointed by a resolution of the Governors. Each Governor shall hold office for life subject to the provisions hereinafter contained for determination of governorship.

(2) The Governors in office at the coming into operation of this Scheme shall continue in office as if they had been appointed as aforesaid.

6. *Determination of governorship.*—Any Governor who is absent from all meetings of the Governors during a period of one year 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 Governors a wish to resign shall cease thereupon to be a Governor.

7. *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.

#### ASSEMBLIES AND PROCEEDINGS OF GOVERNORS

8. *Ordinary assemblies.*—The Governors shall hold at least two ordinary assemblies in each year.

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

10. *Special assemblies.*—A special assembly may be summoned at any time by the chairman or any two Governors upon not less than four days' notice being given to the other Governors of the matters to be discussed.

11. *Voting.*—(1) There shall be a quorum when five Governors are present at an assembly.

(2) If there are more than five Governors present at an assembly, every matter shall be determined by the majority of votes of the Governors present and voting on the question, which majority shall include the votes of not less than five Governors. In case of equality of votes, the chairman of the assembly 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 give more than one vote.

(3) If there are not more than five Governors present at an assembly, no matter shall be determined except by their unanimous decision.

12. *Minutes and accounts.*—A minute book and books of account shall be provided and kept by the Governors. Statements of accounts 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.

13. *General power to make regulations.*—Within the limits prescribed by this Scheme the Governors 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 assemblies, the deposit of money at a proper bank and the custody of documents.

#### OFFICERS OF THE CHARITY

14. *Master of Hospital.*—(1) The Governors may appoint some fit person, who may be a Clerk in Holy Orders of the Church of England, to be the Master of the Hospital of the Charity at such reasonable salary and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit. The Governors may permit the Master while he holds office to have the use and occupation free of rent, rates and taxes of an official residence, which shall be insured against fire and kept in substantial repair by the Governors. The Master shall reside in the said residence and shall not be at liberty to let or part with the possession of the same or any part thereof.

(2) The Master, when he is a Clerk in Holy Orders, shall preach and teach the word of God to the Brothers of the Hospital and the officers and servants of the Charity and shall perform the duties of a Chaplain and celebrate Divine Service in the Chapel of the Hospital under the direction of the Governors whenever they think fit to give such direction and shall under the like direction have the spiritual charge of the officers and servants of the Charity in addition to that of the Brothers.

(3) The Master shall be responsible with the assistance of the Registrar for nominating persons qualified under the provisions of this Scheme for appointment by the Governors as Brothers of the Hospital.

(4) The Master shall be responsible, if he is a Clerk in Holy Orders, for the spiritual welfare of the Brothers of the Hospital, and shall exercise such authority over them as may be required to ensure harmony and content amongst them. He shall be responsible under the direction of the Governors for such arrangements as the Governors think fit for the social welfare and recreation of the Brothers. He shall also at the invitation of the Governors attend any meeting of the Governors for the purpose of presenting a report or reports concerning the welfare of the Brothers for which he is responsible.

(5) The Master shall not continue in office after reaching the age of 72 years except in special cases approved from year to year by the Governors.

15. *Chaplain.*—At any time when the Master is not a Clerk in Holy Orders the Governors may appoint as Chaplain of the Hospital a Clerk in Holy Orders of the Church of England, who shall perform the duties mentioned in sub-clause (2) of the last preceding clause and shall assist the Master in performing the other duties and functions exercisable under sub-clauses (3) and (4) of that clause. The Governors shall pay the Chaplain such reasonable stipend as they think fit.

16. *Registrar and Clerk.*—The Governors may appoint some fit person to be the Registrar of the Charity at such reasonable salary and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit. The Registrar shall act as the Clerk to the Governors and shall perform such other duties as the Governors prescribe from time to time. The Governors may allot to the Registrar a room or rooms in the Hospital premises as a residence while he holds office as Registrar.

17. *Assistant Clerk or Clerks.*—The Governors may appoint some fit person or persons to be an Assistant Clerk or Assistant Clerks of the Charity at such reasonable salary or salaries and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit. The Assistant Clerk or Assistant Clerks shall assist the Registrar in the performance of his duties and shall perform such other duties as the Governors prescribe from time to time.

18. *Auditor.*—The Governors may appoint from time to time a duly qualified person as Auditor to examine the accounts of the Charity periodically and may pay him such reasonable salary or remuneration as they think fit.

19. *Other Officers and Servants.*—The Governors from time to time may employ such other officers and servants to perform such duties as they consider necessary for the proper administration and management of the Charity at such reasonable salaries and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit.

#### MANAGEMENT OF LANDS

20. *Management and letting of lands.*—The Governors shall let and otherwise manage all the lands belonging to the Charity not required to be retained or occupied for the purposes thereof. The Governors shall not without the sanction of the Charity Commissioners or a competent court 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.

21. *Leases.*—The Governors shall provide that on the grant by them of any lease the lessee shall execute a counterpart thereof. Every lease shall contain covenants on the part of the lessee for the payment of rent and all other usual and proper covenants applicable to the property comprised therein and a proviso for re-entry on non-payment of the rent or non-performance of the covenants.

22. *Repair and insurance.*—The Governors shall keep in repair and suitably insure against fire and other usual risks all the buildings of the Charity not required to be kept in repair and insured by the lessees or tenants thereof and shall suitably insure in respect of public liability and employer's liability.

#### GENERAL FUND INCOME

23. *Expenses of management.*—The Governors shall first defray out of the General Fund Income:

- (1) the salaries, stipends and remuneration payable to the officers and servants of the Charity other than the nurses and staff of the Hospital appointed in accordance with the provisions of clauses 38 and 39 below;

- (2) one fourth part of the cost of the maintenance, repair and insurance of the Hospital property in so far as it is not maintained, kept in repair or insured by the lessees or tenants thereof and of maintaining the reserve fund called the Hospital Reserve Fund established in accordance with the provisions of clause 29 below;
- (3) the cost of the maintenance, repair, improvement and insurance of all other property of the Charity in so far as it is not maintained, kept in repair, improved or insured by the lessees or tenants thereof;
- (4) the yearly sums payable to the said Official Custodian in accordance with the provisions of clause 24 below;
- (5) the cost of maintaining the reserve fund called the General Reserve Fund established in accordance with the provisions of clause 25 below;
- (6) all the proper costs, charges and expenses of and incidental to the administration and management of the Charity for which provision has not otherwise been made in this Scheme.

24. *Accumulating accounts.*—(1) Pursuant to the provisions of the Orders of the Charity Commissioners of the 29th January 1962 and the 19th May 1978 respectively referred to in Part II of the said Schedule the Governors shall continue to pay out of the General Fund Income of the Charity the yearly sums which in accordance with those Orders they are directed to pay to the said Official Custodian for investment to the credit of the accumulating accounts therein referred to.

(2) Subject to the provisions of clause 25 below the property specified in Part II of the said Schedule shall accrue to the General Fund referred to in clause 41 of this Scheme on its ceasing to be held in the name of the said Official Custodian on accumulating accounts pursuant to the Orders mentioned in clause 1(2) above.

25. *General Reserve Fund.*—Subject to any further Order or direction of the Charity Commissioners—

- (1) The Governors shall establish and maintain a reserve fund, to be entitled General Reserve Fund, for the purpose of providing for the maintenance, repair, improvement or rebuilding of the buildings of the Charity other than the Hospital property.
- (2) The fund shall be established with the investment or investments at the date on which this Scheme takes effect standing to the credit of the Extraordinary Repair Fund established pursuant to the provisions of an Order of the Charity Commissioners of the 25th July 1978 which Order shall thereupon cease to have effect.
- (3) The fund shall be maintained out of the General Fund Income in such manner as the Governors from time to time think fit.
- (4) The fund and the income therefrom shall be invested in the name of the said Official Custodian.

26. *Division of income.*—Subject to the payments aforesaid the General Fund Income (which shall be ascertained by striking a balance of the annual accounts of the Charity on a convenient date in each year) shall be divided into two equal moieties which shall be applied in manner following:

- (1) One moiety shall be paid to the Governing Body of the Charity called The Charterhouse School;
- (2) The other moiety shall be applied by the Governors in augmenting the Hospital Branch Income.

#### THE HOSPITAL

27. *Hospital.*—(1) Subject as provided in clause 20 above, such part of the Hospital property as is appropriated and used for the residence of the Brothers of the Hospital and otherwise for the purposes of the Charity shall continue to be appropriated and used

as aforesaid and the Governors shall have power to appropriate for the said use and purposes such other parts of the Hospital property as they think fit.

(2) The Chapel of the Charity shall continue to be used for the purpose of religious worship according to the rites and ordinances of the Church of England by the Brothers of the Hospital and officers and servants of the Charity and their families and other persons associated with the Hospital.

(3) Subject as aforesaid the privilege of attending the Chapel may be granted by the Governors after such consultation with the Master as they think fit to any residents in the locality or other suitable persons upon such terms and subject to such regulations as they shall from time to time prescribe.

28. *Application of income.*—The Governors shall apply the Hospital Branch Income in the following ways:

- (1) In paying the salaries of the nurses and staff of the Hospital appointed in accordance with the provisions of clauses 38 and 39 below;
- (2) In paying any pension awarded prior to the date of this Scheme to an Out Pensioner;
- (3) In defraying the cost of supplying the Chapel with all proper fittings, furniture, books and other requisites and maintaining the services therein;
- (4) In defraying the other three fourth parts of the cost of the maintenance, repair and insurance of the Hospital property in so far as it is not maintained, kept in repair or insured by the lessees or tenants thereof and of maintaining the reserve fund called the Hospital Reserve Fund established in accordance with the provisions of clause 29 below;
- (5) In defraying the cost of improving and rebuilding the Hospital property;
- (6) For the benefit of the Brothers of the Hospital or any of them in such manner as the Governors think fit from time to time:

Provided that the Governors at their discretion in special cases may apply Hospital Branch Income in relieving in cases of need persons who have vacated or been removed from their position as Brothers of the Hospital.

29. *Hospital Reserve Fund.*—Subject to any further Order or direction of the Charity Commissioners—

- (1) The Governors shall establish and maintain a reserve fund, to be entitled Hospital Reserve Fund, for the purpose of providing for the maintenance or repair of the Hospital property.
- (2) The fund shall be maintained as provided in clauses 23 and 28 above in such manner as the Governors from time to time think fit.
- (3) The fund and the income therefrom shall be invested in the name of the said Official Custodian.

#### THE BROTHERS

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

31. *Qualifications of Brothers.*—The Brothers shall be widowers or unmarried men of good character not less than 60 years of age who are or have been officers in any of the armed forces of the Crown, clergymen, merchants or persons engaged in public service or in trading, professional, agricultural or other similar occupations and who are in need of assistance and have become reduced by accident or misfortune unless in any special case the Governors see fit to relax the restriction as to age or any other matter in favour of a candidate otherwise duly qualified who may have become incapacitated by illness, accident or infirmity from exerting himself for his own maintenance:

Provided that no person who is blind or helpless from infirmity of mind or body shall be eligible for appointment.

32. *Rooms.*—Each Brother shall have the use and occupation of a room or rooms in the Hospital property allotted to him by the Master. The Governors may provide any suitable articles of furniture for use of the Brothers in their rooms and may also provide meals for them.

33. *Contributions.*—The Governors may make it a condition of appointing or permitting a person to be or remain a Brother that he shall from resources available to him—

- (1) contribute a weekly sum towards the cost of maintaining the premises used and occupied for the purposes of the Hospital and essential services therein but so that the amount of the weekly sum shall not—
  - (a) be such as to cause hardship to him;
  - (b) be more than £3 or other the amount approved from time to time by the Charity Commissioners;
- (2) contribute towards the cost of lighting and heating the said premises and providing hot water therein;
- (3) contribute towards the cost of providing meals and furniture.

34. *Applications for appointment.*—All applications for nomination for appointment shall be made to the Master or the Registrar in such manner as the Governors direct. Before nominating any applicant to be a Brother the Master and the Registrar shall require him to attend in person unless they are of opinion that special circumstances render this unnecessary. An applicant may be required to supply evidence of his qualification for appointment.

35. *Appointment and removal of Brothers.*—The Brothers shall be appointed from time to time by the Governors at an assembly from among applicants nominated by the Master as aforesaid, and shall be removable by resolution of the Governors for misconduct, breach of regulations, disqualification or any other cause, the sufficiency of which shall in every case be determined by the Governors in their discretion.

36. *Records.*—The Governors shall keep a record in which shall be entered the name, age and description of every person appointed to be a Brother, the date of every appointment and the date and occasion of every vacancy.

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

38. *Attendance in illness.*—The Governors may provide and pay at such rates of remuneration as they think fit duly qualified nurses for the special care and attendance of any sick, infirm or aged Brothers requiring such care or attendance.

39. *Hospital staff.*—The Governors may from time to time employ such persons to fill such offices and to perform such duties as they consider necessary for the practical management and maintenance of the Hospital property at such reasonable salaries and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit.

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

#### POWERS OF INVESTMENT

41. *Powers of investment.*—(1) Subject as hereinafter provided the Governors may continue to invest in the separate parts into which the two funds belonging to the Charity



and called respectively the General Fund and the Hospital Branch Fund have been divided the property comprised in those funds which contain the property specified in Parts I and III respectively of the said Schedule.

(2) Property included from time to time in either of the funds may be invested in any of the investments which are for the time being narrower-range investments within the meaning of the Trustee Investments Act 1961, but not (subject as provided in the next following sub-clause) in any other manner authorised by that Act.

(3) Property from time to time included in the free part of either fund may in addition to the range of investments authorised by sub-clause (2) of this clause be invested in:

- (a) The purchase of freehold or leasehold land in England or Wales any such leasehold land having not less than a term of sixty years to run at the date of investment or leasehold land having a shorter term to run together with a sinking fund policy for the repayment of the purchase price at or before the expiration of the term; or
- (b) Government securities of the United States of America, Australia, Canada, New Zealand, or other overseas territory within the Commonwealth or any State or Province thereof; or
- (c) The debentures or debenture stock or preference or ordinary or deferred shares or stock or other marketable securities of any company incorporated in the United Kingdom under any general or special Act of Parliament or by Royal Charter or incorporated under the laws of the United States of America or any State or Province thereof or of any corporation established in the United Kingdom for public purposes by or under any Act of Parliament; or
- (d) Debentures or debenture stock or preference or ordinary or deferred shares or stock or other marketable securities issued by any company incorporated in Australia, Canada or New Zealand or any other overseas territory within the Commonwealth or any State or Province thereof; or
- (e) Any investments which are for the time being wider range investments within the meaning of the Trustee Investments Act, 1961.

Provided Always as follows:

- (a) No funds shall be invested upon any investment not within the range of investments authorised by sub-clause (2) of this clause which is not dealt in or quoted upon a recognised stock exchange in the United Kingdom or in the United States of America or Australia or Canada or New Zealand or any other country which is a member of the Commonwealth;
  - (b) No moneys shall be invested in any shares or stock of a company (other than a company incorporated in the United Kingdom carrying on banking or insurance business in the United Kingdom) which by reason of not being fully paid up or otherwise carry a liability to contribute by way of calls either in the event of the company being wound up or otherwise but this shall not prevent the acquisition of newly issued shares or stock which would otherwise be permitted and on which the capital is by virtue of the terms of the issue thereof to be paid by instalments of which the last is to be payable not later than one year from the date of the issue;
  - (c) The amount paid up on the stock or shares (hereinafter called "the relevant stock or shares") of such company or corporation of the same denomination as the investment to be acquired hereunder or ranking for dividend behind such investment shall be not less than £750,000 or its equivalent at the current rate of exchange and so that in the case of a company having shares of no par value the capital sum (other than surplus capital) appearing in the company's published accounts in respect of such shares shall be deemed to have been paid up thereon and
  - (d) All the relevant stock or shares must have paid a dividend of at least four per centum per annum for each of the five financial years last preceding the date of investment.
- (4) Property accruing to the Governors by virtue of their holding of property comprised in one or other part of either of the funds shall be treated as belonging to that part.

(5) When any addition by gift or otherwise is made to either the General Fund or the Hospital Branch Fund, then, subject to any special trusts, powers or provisions affecting the additions, the Governors shall secure by an apportionment of the addition or an exchange of property between the two parts of the fund, or both, that the value of each part of such fund is increased in the proportion of two-thirds to the free part and one-third to the other part.

#### GENERAL PROVISIONS

42. *Appropriation of benefits.*—The appropriation of the benefits of the Charity shall be made by the Governors at meetings of their body and not separately by any individual Governor or Governors: Provided that the Governors 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 Governors.

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

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

45. *Questions under Scheme.*—Any questions 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 Part I

Property	Lessees	Term		Yearly Rent
		Commenced	Expires	
The following property situate in the London Borough of Islington:				£
12 and 14 Berry Street	Dobney (Graphic Design) Limited		Holding over	2,750
2 Carthusian Street	Dennys Booksellers Limited	1967	25th March 1987	5,000
3 Carthusian Street	B. Ramelli	1972	25th March 1986	2,850
Upper part of 4 Carthusian Street	L. Cramer	1966	25th March 1986	2,325
Basement and ground floor of 4 and part of 5 Carth- usian Street	M. H. Brenner	1979	25th March 1989	2,300
Ground floor and shop of 5 Carthusian Street	F. S. Pamington	1979	25th March 1989	750
Upper part of 5 Carthusian Street	City Research Associ- ates Limited	1976	25th March 1981	2,600
6 Carthusian Street	Charringtons "Sutton Arms"	1977	29th September 1987	1,700
7 and 8 Carthusian Street	Baron and Selton Limited	1966	25th March 1986	2,750
12 Charterhouse Square	Howell King and Com- pany Limited	1977	25th March 1992	9,250

Property	Lessees	Term Commenced	Expires	Yearly Rent
				£
The following property situate in the London Borough of Islington: (Contd.)				
12A Charterhouse Square	Derek Dale Associates Limited	1970	25th March 1991	7,950
13 and 14 Charterhouse Square	Trustees of Staff Pen- sion Fund of Daniel Watney	1947	25th March 1997	475
23 to 28 Charterhouse Square	William and Glyn's Bank Limited	1973	24th June 2072	9,300
2 Clerkenwell Road	Ind Coope "Hat and Feathers"	1914	24th June 2013	250
4 Clerkenwell Road	W. Bryer and Sons Limited	1970	25th March 1989	2,350
Part of the basement and the ground and fourth floors of 6 to 10 Clerken- well Road	F. W. Read and Sons Limited		Holding over	3,000
Part of the basement of 6 to 10 Clerkenwell Road	In hand	—	—	—
First floor of 6 to 10 Cler- kenwell Road	Frank Manning T/A Fanta Products		Holding over	1,450
Second floor of 6 to 10 Clerkenwell Road	C. G. Spencer and Part- ners		Holding over	1,450
Third floor of 6 to 10 Cler- kenwell Road	In hand	—	—	—
12 to 16 Clerkenwell Road	East City Investments Limited	1957	24th June 2056	600
18 to 30 Clerkenwell Road	Hugin Cash Registers Limited	1972	24th June 1996	24,000
32 to 34 Clerkenwell Road and 1 Berry Street	Boyles House Limited	1960	24th June 2059	2,250
36 to 42 Clerkenwell Road	Reed Publishing Pen- sion Trustee Limited	1937	25th March 2035	410
Upper part of 44, 46 and 48 Clerkenwell Road	Howliston Holdings Limited	1976	29th September 1996	8,000
Shop and basement of 44 Clerkenwell Road	J. Thibouville-Lamy and Company Limited	1978	23rd June 1988	2,550
Shop and basement of 46 Clerkenwell Road	Frank Jarvis and Sons Limited	1972	24th March 1987	2,600
Shop and basement of 48 Clerkenwell Road	Globe Horological Sup- plies Limited	1976	29th March 1996	2,500
50 to 54 Clerkenwell Road	Jarvis Son and Glossop Limited	1926	25th March 2025	225

Property	Lessees	Term		Yearly Rent
		Commenced	Expires	
The following property situate in the London Borough of Islington: (Contd.)				£
54A Clerkenwell Road	Vigers and Company (N.J. Class)	1926	25th March 2025	25
56 to 58 Clerkenwell Road	NOPA Limited	1928	25th March 2027	165
56A Clerkenwell Road	S. Sands	1928	25th March 2027	35
60 to 62 Clerkenwell Road	G. Abrahams, F. G. Fishburn and T. Hoffman (Trustees)	1909	24th June 1999	140
27 to 31 Dallington Street	U.D.O. Holdings Limited	1979	29th September 1994	19,500
32 Dallington Street	Northburgh House Limited	1960	29th September 2059	150
Basement and ground floors of 29 to 33 and the rear of 35 Goswell Road	Jandow Limited		Holding over	2,400
Ground and first floor front of 35 basement and first floor of 37 and second floors of 29 to 37 Goswell Road	In hand	—	—	—
Ground floor and shop of 37 Goswell Road	Mr. and Mrs. J. Rose		Holding over	700
39 Goswell Road	Courage (Eastern) Limited, "George IV"		Holding over	2,000
41 to 53 Goswell Road and 57 and 58 Great Sutton Street and 3, 5 and 7 Northburgh Street	Compass Securities Limited	1971	29th September 2061	2,000
55 to 63 Goswell Road	LPSC (Goswell Road) Limited	1976	29th September 2059	2,500
65 Goswell Road, 33 to 41 Dallington Street and 2, 4 and 6 Northburgh Street	Northburgh House Limited	1960	29th September 2059	3,400
67 to 71 Goswell Road	LPSC (Goswell Road) Limited	1976	29th September 2059	2,500
73 to 81 Goswell Road and 1 to 5 Dallington Street	Executive Homes Limited	1964	25th December 2089	2,130
83 Goswell Road	Civil Land Limited	1907	25th March 1997	40
89 Goswell Road	City University	1978	25th December 1993	1,500

Property	Lessees	Term		Yearly Rent
		Commenced	Expires	
The following property situate in the London Borough of Islington: (Contd.)				£
91 Goswell Road	Chergil House Limited	1960	29th September 2059	820
1 Great Sutton Street	M. Mancini		Holding over	450
2 Great Sutton Street	In hand	—	—	—
Upper part of 3 Great Sutton Street	M. Lewis		Weekly inclusive	99.32
Ground floor of 3 Great Sutton Street	In hand	—	—	—
Rear of 1 to 4 Great Sutton Street	J. and J. B. Johnson		Holding over	850
5 to 8 Great Sutton Street	Shore Properties Limited	1957	24th June 2056	575
9 and 10 Great Sutton Street	Vigers and Company (Executors of P. Class)	1947	25th March 2046	130
11 and 12 Great Sutton Street	J. L. Bruce Limited	1930	25th March 2029	85
13 and 14 Great Sutton Street	Prudential Assurance Company Limited	1947	25th March 2046	140
Upper part of 15 and 15A Great Sutton Street	Lawson Ward and Gammage Limited	1963	29th September 1987	3,250
Ground floor and basement of 15 and 15A Great Sutton Street	City Lace Company Limited	1966	29th September 1987	3,800
16 Great Sutton Street	Whitbread London Limited "Sutton Arms"	1977	29th September 1992	2,500
17 and 18 Great Sutton Street	RAT (Motorcycles) Limited	1979	29th September 1999	11,500
19 and 20 Great Sutton Street	Reed Publishing Pension Trustee Limited	1937	25th March 2035	140
21 and 22 Great Sutton Street	Metropolitan Estate and Property Company Limited	1947	25th March 2035	130
23 to 25 Great Sutton Street	Silver and Watson Limited	1936	25th March 2035	180
26A Great Sutton Street	A. J. Brown Brough and Company Limited	1931	25th March 2030	5
26 and 27 Great Sutton Street	A. J. Brown Brough and Company Limited	1931	25th March 2030	140

Property	Lessees	Term		Yearly Rent
		Commenced	Expires	
The following property situate in the London Borough of Islington: (Contd.)				£
28 and 29 Great Sutton Street	Vigers and Company (N.J. Class)	1934	25th March 2033	75
30 and 31 Great Sutton Street	Hacker and Jackson c/o Davies and Davies	1932	24th June 2031	100
30A Great Sutton Street	Hacker and Jackson c/o Davies and Davies	1932	24th June 2031	10
32 Great Sutton Street	J. L. Bruce Limited	1932	24th June 2031	100
33 Great Sutton Street	Great Sutton Invest- ment Company Limited	1932	24th June 2031	100
34 and 35 Great Sutton Street	S. and E. Green	1932	24th June 2031	110
The Island Site, 36 to 43 Great Sutton Street	London and Manchester Assurance Company Limited	1973	25th December 2072	5,280
44 and 45 Great Sutton Street	In hand	—	—	—
46 and 47 Great Sutton Street	In hand	—	—	—
Part of second floor of 48 and 49 Great Sutton Street	Gillespie and Watkin- son		Holding over	400
Part of the second floor of 48 and 49 Great Sutton Street	Green Whippy and Company Limited		Holding over	675
First and third floors of 48 and 49 Great Sutton Street	Cobb Castle (Knitwear) Limited		Holding over	1,850
Ground floor of 48 and 49 Great Sutton Street	Woolf and Lester		Holding over	1,700
Basement of 48 and 49 Great Sutton Street	Holland and Rogers T/A Charmaine		Holding over	1,000
8 Northburgh Street	A. and H. Otter Limited	1959	25th December 2013	1,650
9 to 11 Northburgh Street and 50 to 56 Great Sutton Street	East City Investments Limited	1962	29th September 2061	1,800
10 Northburgh Street	Moore and Matthes Group Limited	1954	24th June 2013	1,350
Ground floor and basement of 13 Northburgh Street	J. Price Campbell and Company Limited		Holding over	1,750

Property	Lessees	Term		Yearly Rent
		Commenced	Expires	
The following property situate in the London Borough of Islington: (Contd.)				
First floor of 13 Northburgh Street	Eric Ward Paper Sales Limited		Holding over	900
Second floor of 13 Northburgh Street	Realfax Limited		Holding over	900
Third floors of 13 to 15 Northburgh Street	In hand	—	—	—
Fourth floors of 13 to 15 Northburgh Street	In hand	—	—	—
Ground and first floor of 15 Northburgh Street	D.G.K. Carpets Company Limited		Holding over	4,000
Basement of 15 Northburgh Street	In hand	—	—	—
Second floor of 15 Northburgh Street	In hand	—	—	—
17 Northburgh Street	Dobney (Graphic Designs) Limited		Holding over	1,500
20 Northburgh Street	Devidass Madhavji Kachhla	1932	24th June 2031	10
20A Northburgh Street	Mrs. Strauss	1958	24th June 2031	6
Stable block	Allied Breweries Limited	1979	29th September 2029	Peppercorn
74 to 76 St. John Street	Land Investors Limited	1966	29th September 2091	1,000
132 to 136 St. John Street	Sheffield Smelting Company Limited	1958	25th December 2057	825
Ground floor, basement and rear workshop at 138 St. John Street	A. and P. Anderson	1979	24th June 1984	2,750
First floor front of 138 St. John Street	Boon Brothers	1979	24th June 1984	500
First floor rear of 138 St. John Street	M. E. Lefevre	1979	24th June 1984	300
Second floor of 138 St. John Street	Brady and Reddick	1979	24th June 1984	750
Third floor of 138 St. John Street	A. Foster	1979	24th June 1984	750
140 to 142 St. John Street	St. John Street Investment Company Limited	1936	29th September 2035	120

Property	Lessees	Term		Yearly Rent
		Commenced	Expires	
The following property situate in the London Borough of Islington: (Contd.)				£
144 St. John Street	Vibrook Properties Limited	1925	25th March 2005	55
146 St. John Street and yard and workshop at rear and warehouse at rear of 148 St. John Street	D.K. Plating Company	1976	25th March 1990	3,400
13 and 14 Great Castle Street in the London Borough of Westminster	Tzedoko Limited	1909	29th September 1984	3,900
88 Western Road at Brighton, in the County of East Sussex	Chipperfield and Butler Limited	1955	25th March 1985	1,250
25 Gallowtree Gate, at Leicester, in the County of Leicestershire	Prudential Assurance Company Limited	1953	29th September 1995	1,100
East Farm, at Buslingthorpe, in the County of Lincolnshire	G. W. Grant	1981	25th March 1984	15,375

GENERAL FUND

*Restricted-part*

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

£106,000 13¾% Treasury Stock 1993.  
£136,000 12% Exchequer Stock 1999-2002.  
£50,000 South Bucks District Council 13¾% Bond No. 003.

*Free-part*

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

£100,000 13¼% Exchequer Stock 1996.  
£100,000 13¼% Treasury Stock 1997.  
£75,000 12% Exchequer Stock 1999-2002.  
£24,210 Treasury Variable Rate Stock 1982 (Clerkenwell Account).  
£8,000 Birmingham District Council 12½% Redeemable Stock 1985.  
25,000 Aaronson Brothers Limited Ordinary Shares of 10p each.  
22,500 Allied Breweries Limited Ordinary Shares of 25p each.  
£6,000 Barclays Bank Limited Ordinary Stock.  
4,800 B.A.T. Industries Limited Ordinary Shares of 25p each.  
18,750 S. and W. Berisford Limited Ordinary Shares of 25p each.  
15,000 BICC Limited Ordinary Shares of 50p each.  
6,600 Blue Circle Industries Limited Ordinary Stock Units of £1 each.  
18,750 BOC International Limited Ordinary Shares of 25p each.  
18,500 The British Electric Traction Company, Limited Deferred Ordinary Shares of 25p each.  
8,000 The British Petroleum Company Limited Ordinary Stock Units of 25p each.  
50,000 Brooke Bond Liebig Limited Ordinary Shares of 25p each.  
4,500 Consolidated Goldfields Limited Ordinary Shares of 25p each.  
8,000 Dalgety Limited Ordinary Shares of £1 each.  
12,000 DRG PLC Ordinary Shares of 25p each.  
10,000 The Distillers Company Limited Ordinary Shares of 50p each.  
20,000 Dobson Park Industries Limited Ordinary Shares of 10p each.



50,000 Electra Investment Trust Limited Ordinary Shares of 25p each.  
 10,000 European Ferries Limited Ordinary Shares of 25p each.  
 £5,000 The Expanded Metal Company Limited Ordinary Stock.  
 25,000 Fitch Lovell Limited Ordinary Shares of 20p each.  
 8,400 Foseco Minsep Limited Ordinary Shares of 25p each.  
 11,428 Grand Metropolitan Limited Ordinary Shares of 50p each.  
 £1,625 Great Universal Stores Limited 'A' Ordinary Stock.  
 7,000 Guardian Royal Exchange Limited Ordinary Shares of 25p each.  
 6,717 Guest, Keen and Nettlefolds, Limited Ordinary Shares of £1 each.  
 £8,987 Imperial Chemical Industries Limited Ordinary Stock.  
 13,500 Imperial Group Limited Ordinary Shares of 25p each.  
 10,000 Initial Services Limited Ordinary Shares of 25p each.  
 12,000 Johnson Matthey & Co. Limited Ordinary Shares of £1 each.  
 20,000 Marks and Spencer, Limited Ordinary Shares of 25p each.  
 9,600 National Westminster Bank Limited Ordinary Shares of £1 each.  
 £375 Pearl Assurance Company Limited Ordinary Stock.  
 8,200 Phoenix Assurance Company, Limited Ordinary Shares of 25p each.  
 12,000 Pilkington Brothers Limited Ordinary Shares of £1 each.  
 9,500 The Plessey Company Limited Ordinary Shares of 50p each.  
 21,600 Prudential Corporation Limited Ordinary Shares of 25p each.  
 20,000 The Royal Bank of Scotland Group Limited Ordinary Shares of 25p each.  
 £1,953 Royal Insurance Company Limited Stock.  
 £7,000 Scottish and Newcastle Breweries Limited Ordinary Stock.  
 50,000 Sears Holdings Limited Ordinary Shares of 25p each.  
 10,000 The "Shell" Transport and Trading Company, Limited Ordinary Shares of 25p each.  
 25,000 Smith and Nephew Associated Companies Limited Ordinary Shares of 10p each.  
 7,500 W. H. Smith & Son (Holdings) Limited 'A' Ordinary Shares of 50p each.  
 7,500 Thorn E.M.I. Limited Ordinary Shares of 25p each.  
 6,400 Unilever Limited Ordinary Shares of 25p each.  
 16,000 United British Securities Trust Limited Ordinary Shares of 25p each.

The following investments standing in the name of Messrs. Fielding Newson-Smith and Company (being part of larger holdings):

£93,000 Local Authority 12½% Bonds.  
 \$US50,000 Helmorich & Payne 7½% Convertible Stock 1995.  
 1,700 Standard Oil (California) Com Shares of \$US3 each.  
 900 Standard Oil (Ohio) Com NPV Shares.

#### *Cash*

£29,425 cash on deposit account at the Bank of England.  
 £14,839 cash on current account at the Bank of England.  
 £50,000 cash on deposit with the National Savings Bank.

### **Part II**

#### **ACCUMULATING ACCOUNTS**

4,359 Accumulation Shares in the Charities Official Investment Fund (Order of the Charity Commissioners of the 20th January 1967).  
 3,005 Accumulation Shares in the said Fund (Order of the Charity Commissioners of the 7th May 1971).  
 £16,734·87 12½% Exchequer Stock, 1994 (Order of the Charity Commissioners of the 19th May 1978).  
 £27,502·85 12½% Exchequer Stock, 1994 (Order of the Charity Commissioners of the 25th July 1978, Extraordinary Repair Fund).  
 £20,136·42 12% Exchequer Stock, 2013-17 (Order of the Charity Commissioners of the 28th April 1980).  
 £3,967·57 12% Exchequer Stock 2013-17 (Order of the Charity Commissioners of the 12th April 1979).  
 £7,240·35 11½% Treasury Stock 2001-04 (Order of the Charity Commissioners of the 29th January 1962).

**Part III**

Property	Lessees or Tenants	Term Commenced	Expires	Yearly Rent
The following property situate at Charterhouse in the London Borough of Islington called Sutton's Hospital in Charter- house:				£
Land with the buildings thereon called Sutton's Hospital in Charterhouse	In hand	—	—	—
1 Pensioners Court	A. F. Wallace		Holding over	1,300
2 Pensioners Court	Doctor Wright and Doc- tor Smith		Holding over	1,550
3 Pensioners Court	A. C. Alford		Quarterly	900
4 Pensioners Court	C. Yould		Quarterly	750
5 Pensioners Court	Sir James Stubbs		Quarterly	1,533·28
6 Pensioners Court	The City University		Quarterly	1,300
7 Pensioners Court	In hand	—	—	—
8 Pensioners Court	T. J. Tyler		Quarterly	1,333·28
9 Pensioners Court	Sir Peter Vanneck	1978	25th December 1981	1,500
10 Pensioners Court and Garage 7	Whitbread and Com- pany Limited	1977	1st August 1983	4,000
11 Pensioners Court	M. K. Hallett		Quarterly	833·32
12 Pensioners Court	C. I. Bostock	1980	24th June 1985	1,400
13 Pensioners Court	T. Daniell		Quarterly	1,700
Garage 1 Pensioners Court	The City University		Quarterly	250
Garage 2 Pensioners Court	T. J. Tyler		Quarterly	250
Garage 3 Pensioners Court	T. Daniell		Quarterly	250
Garage 4 Pensioners Court	Sir Peter Vanneck		Quarterly	250
Garage 5 Pensioners Court	The Bolton Textile Mill Company Limited		Quarterly	300
Garage 6 Pensioners Court	A. C. Alford		Quarterly	250
Garage 8 Pensioners Court	M. K. Hallett		Quarterly	250
Garage 9 Pensioners Court	Vacant	—	—	—
Garage 10 Pensioners Court	C. I. Bostock		Quarterly	250
Garage 11 Pensioners Court	D. H. Wiseman	1976	25th March 1983	130

Property	Lessees or Tenants	Term		Yearly Rent
		Commenced	Expires	
The following property situate at Charterhouse in the London Borough of Islington called Sutton's Hospital in Charterhouse (Contd.)				£
Garage 12 Pensioners Court	The Master of the Hos- pital	—	—	—
Garage 13 Pensioners Court	Sir James Stubbs		Quarterly	250
Garage 14 Pensioners Court	Philip Cambridge (Holdings) Limited		Quarterly	350
Preachers Court Offices	H. H. Valentine Ellis	1979	25th March 1984	2,500
Garage and Store, Stable Court	In hand	—	—	—
Preachers Court Flat	D. H. Wiseman	1976	25th March 1983	2,400
Offices, Preachers Court	Daniel Watney	1969	24th June 1983	25,125
East Wing, Basement Prem- ises	In hand	—	—	—
3 Rooms	In hand	—	—	—
Ground Floor Rooms, Mas- ters' Court	British Records Associ- ation	1977	25th December 1982	2,000
Advertising Site, flank wall	London and Provincial Posters Limited	1978	29th September 1983	1,000
Access to advertising site	W. R. Churchill Limited	1966	3 months any day	1
Charterhouse Square Car Park	National Car Parks Limited	1975	25th March 1985	16,000
Cottage, 1 Stable Court	J. McIntosh		Quarterly	516
Pensioners Court Offices	Gimson, Griffin, Lash- man and Pointer	1975	25th March 1985	4,900
The following property situate at Godalming in the County of Surrey:				
Fletchers Field	Charterhouse School	1973	25th March 1983	Pepper- corn
46 and 48 Peperharow Road	Charterhouse School	1972	26th December 1982	Pepper- corn

## HOSPITAL BRANCH FUND

### *Restricted-part*

The following Income Shares in the Charities Official Investment Fund:

22.69 (Mary Taylor's Bequest).

4,322.74 (Legacies Fund).

The following investments standing in the name of the said Official Custodian:

£35,208.36 9% Treasury Stock, 1994.

£3,962 8½% Treasury Stock, 1997 (I. S. Paul Bequest).

### *Free-part*

The following Income Shares in the said Fund:

1,892.09 (Mary Taylor's Bequest).

20,716.38 (Legacies Fund).

The following investments standing in the name of the said Official Custodian:

£41,438.92 12½% Treasury Stock, 1993.

£7,924 8½% Treasury Stock, 1997 (I. S. Paul Bequest).

£33,000 Corporation of London 13½% Stock 1983.

1,152 Prudential Corporation Limited Ordinary Shares of 25p each.

11,000 Units in The Equities Investment Fund for Charities.

### *Cash*

£26,729 cash on deposit account at the branch of Barclays Bank Limited at Pall Mall.

£30,000 cash on deposit account at the said branch of the said bank (Treasurer's Account).

This Schedule is made up to the 25th March 1981.

Sealed by Order of the Charity Commissioners this 29th day of December 1982.

L.S.

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## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order gives effect to a Scheme of the Charity Commissioners for Sutton's Hospital in Charterhouse, an almshouse charity founded at Charterhouse, London, in 1611. The educational part of the original foundation was constituted as a separate charity in 1905, and is not within the scope of the present Scheme (except as regards certain property held for the benefit of both charities and dealt with by clauses 23 to 26 of the Scheme).

The Scheme replaces all the existing statutory and other provisions governing the Charity except for certain Orders of the Charity Commissioners relating to accumulating accounts. It includes provisions for the administration of the Charity and application of its income. The changes include provision for the Brothers of the Hospital to be charged a contribution towards the expenses of the Hospital, and the omission of a power for the Crown to make appointments to fill vacancies among certain officers and among the Brothers.

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