
STATUTORY INSTRUMENTS

1996 No. 3220

CHARITIES

The Charities (The Proby Trust Fund) Order 1996

Made - - - - 20th December 1996

Coming into force - - 3rd January 1997

Whereas the Charity Commissioners for England and Wales have, in pursuance of subsection (1) of section 17 of the Charities Act 1993⁽¹⁾, 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 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⁽²⁾, has expired, and neither House of Parliament has within that period resolved that the Order be not made:

Now, therefore, in pursuance of section 17(2) of the Charities Act 1993, the Secretary of State hereby makes the following Order:

1. This Order may be cited as the Charities (The Proby Trust Fund) Order 1996 and shall come into force 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.

20th December 1996

Virginia Bottomley
Secretary of State for National Heritage

(1) 1993 c. 10.
(2) 1946 c. 36.

APPENDIX

SCHEME FOR THE ADMINISTRATION OF THE CHARITY KNOWN AS THE PROBY TRUST FUND SITUATE IN CAMBRIDGE WHEREAS:

1. The Charity known as The Proby Trust Fund is now regulated by the Jesus College Proby Trust Act 1853(3);
2. Application has been made to the Charity Commissioners by the Trustee of the Charity for a Scheme for the administration thereof;
3. 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 make provision which goes beyond the powers exercisable by them apart from section 17 of the Charities Act 1993;
4. In pursuance of section 20 of the Charities Act 1993 public notice of the Charity Commissioners' proposals for this Scheme has been given and no representations have been received in respect thereof;

Now therefore the Charity Commissioners for section 17(1) of the Charities Act 1993 hereby England and Wales in pursuance of settle the following Scheme:

Scheme

Administration of Charity.

1.—(1) The provisions of the above-mentioned 1853 Act shall cease to have effect and the above-mentioned Charity and the property thereof shall be administered and managed in accordance with the provisions of this Scheme by the Trustee hereinafter appointed.

(2) The name of the Charity shall be The Proby Trust Fund or such other name as the Trustee shall from time to time, with the consent of the Charity Commissioners, decide.

Vesting.

2. The Investments specified in the Schedule to this Scheme shall vest in the Trustee for all the estate or interest belonging to or held in trust for the Charity.

Investment of cash.

3. All sums of cash now or at any time belonging to the Charity other than sums needed for immediate working purposes shall be invested in trust for the Charity.

The Trustee.

4. The Master or Keeper, Fellows and Scholars and their successors of the College of the Blessed Virgin Mary, St John the Evangelist, and the Glorious Virgin Saint Rhadegund (a corporate body commonly called Jesus College and hereafter referred to as “the College”) in the University of Cambridge acting in accordance with their usual procedures under their statutes bylaws and other governing documents shall be the Trustee of the Charity.

(3) 1853 c. 17. (Private)

Application of Income.

5. The clear income of the Charity after deduction of all reasonable expenses relating to the management of the Charity shall be applied as follows:

(1) in the building purchase or repair of any parsonage house provided that such house shall be situated within a benefice of which the College is Patron; and subject thereto,

(2) to advance the education of those clergy who are incumbents of benefices of which the College is Patron and without prejudice to the generality of the foregoing to make payments for the provision of books and equipment for the said incumbents so as to facilitate their parochial work, and subject thereto,

(3) to make payments towards the repair and maintenance of those churches which are situate in benefices of which the College is the Patron.

Charity not to relieve public funds.

6. The Trustee shall not apply the property of the Charity directly in relief of rates, taxes or other public funds but may apply it in supplementing relief or assistance provided out of public funds.

Questions under the Scheme.

7. Any question as to the construction of this Scheme or as to the regularity or validity of any acts done or about to be done under this Scheme shall be determined by the Commissioners by way of written advice under section 29 of the Charities Act 1993 upon written application made by the Trustee to them for that purpose.

SCHEDULE

15,699 Units in the College Consolidated Trust Pool

EXPLANATORY NOTE

(This note is not part of the Order)

The Scheme replaces the existing statutory provisions governing the Charity which are contained in the Jesus College Proby Trust Act 1853. A Corporate Trustee is appointed and provision is made for the application of the Charity's income for various purposes within the Charity's area of benefit. Those purposes include the building purchase or repair of any parsonage house, the advancement of education of the clergy and the repair and maintenance of churches.