



CHAPTER xviii

An Act to confirm a Scheme of the Charity Commissioners for the application or management of the Charity called the Hospital of the Blessed Trinity, in the Borough of Guildford, in the County of Surrey.
[14th July 1953.]

WHEREAS the Charity Commissioners in their Report to Her Majesty of their proceedings during the year one thousand nine hundred and fifty-two reported that they had approved and certified a Scheme for the application or management of the Charity called the Hospital of the Blessed Trinity, in the Borough of Guildford, in the County of Surrey, regulated by a Scheme of the Charity Commissioners confirmed by Act of Parliament 24 and 25 Vict. c. 32 (including the Bequest of William Birch founded by will proved in the Principal Registry on the 12th January 1881):

And whereas it is expedient that the Scheme as the same is fully set out and defined in the schedule to this Act should be confirmed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The said Scheme is hereby confirmed Provided always that Confirmation nothing in this Act or in the said Scheme shall be held to interfere with the ordinary jurisdiction over endowed charities now exercisable by the High Court of Justice and the Charity Commissioners.

2. This Act may be cited as the Hospital of the Blessed Trinity (Guildford) Charity Scheme Confirmation Act 1953.

SCHEDULE

SCHEME FOR THE APPLICATION OR MANAGEMENT OF THE CHARITY CALLED THE HOSPITAL OF THE BLESSED TRINITY, IN THE BOROUGH OF GUILDFORD, IN THE COUNTY OF SURREY, REGULATED BY A SCHEME OF THE CHARITY COMMISSIONERS CONFIRMED BY ACT OF PARLIAMENT 24 AND 25 VICT. C. 32 (INCLUDING THE BEQUEST OF WILLIAM BIRCH, FOUNDED BY WILL PROVED IN THE PRINCIPAL REGISTRY ON THE 12TH JANUARY 1881).

1. *Administration of Charity.*—The above-mentioned Charity (including the above-mentioned Bequest of William Birch) and the endowments thereof specified in the schedule hereto and all other the endowments (if any) thereof shall be administered and managed subject to and in conformity with the provisions of this Scheme under the title of the Hospital of the Blessed Trinity (hereinafter referred to as the Charity).

2. *Vesting.*—The lands and rentcharge specified in the said schedule are hereby vested in the Official Trustee of Charity Lands for all the estate and interest therein belonging to or held in trust for the Charity.

3. *Area of benefit.*—The area of benefit of the Charity shall be the Borough of Guildford as constituted from time to time.

4. *Compromise of yearly payment.*—In lieu and in satisfaction of the yearly sum of £1 10s. heretofore payable to the rector of the parish of Holy Trinity in Guildford under the provisions of clause 7 of the Scheme of the Charity Commissioners confirmed by the Act of Parliament 24 and 25 Vict. c. 32 a sum of £60 2½ per cent. Consolidated Stock part of the sum of £28,872 8s. 6d. like stock specified in the said schedule shall be transferred forthwith under the authority of an Order of the Charity Commissioners into the name of the Church Commissioners for England to be held by them subject to the provisions of the Benefices (Stabilization of Incomes) Measure, 1951, as endowment capital of the benefice of Holy Trinity with St. Mary, Guildford.

GOVERNORS

5. *Governors.*—Subject to the transfer aforesaid the Charity and the endowments thereof shall be administered and managed by a body of Governors which shall consist when complete of fourteen competent persons being—

Five Ex-officio Governors,

Four Representative Governors, and

Five Co-optative Governors.

6. *Ex-officio Governors.*—The Ex-officio Governors shall be—

The MAYOR of Guildford,

The RECTOR of the Ecclesiastical Parish of Holy Trinity with St. Mary, Guildford,

The RECTOR for the time being of the Ecclesiastical Parish of St. Nicholas, Guildford.

The RECTOR of the Ecclesiastical Parish of St. John the Evangelist, Stoke next Guildford, and

The HEADMASTER of the Royal Grammar School, Guildford,
all for the time being.

7. *Representative Governors.*—The Representative Governors shall be members of the Church of England and shall be appointed by the Council of the Borough of Guildford. 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. The chairman of the meeting shall cause the name of each person appointed to be notified forthwith to the Governors or their Clerk. The person appointed may be but need not be a member of the council.

8. *First Representative Governors.*—The first Representative Governors shall be appointed as soon as possible after the date of this Scheme and their names shall be notified to the said Mayor on behalf of the Governors. At the end of two years from the date of the appointment of the first Representative Governors if more than two remain Governors two of them to be determined by lot if necessary shall go out of office but shall be eligible for re-appointment.

9. *Co-optative Governors.*—The Co-optative Governors shall be persons residing or carrying on business in or near the area of benefit.

10. *First Co-optative Governors.*—(1) The following persons being the existing non-official Governors of the Charity shall be four of the first Co-optative Governors under this Scheme and subject to the provisions hereinafter contained for determination of governorship shall be entitled to hold office for life:—

LAWRENCE POWELL, M.C., of Weir House, Millmead, Architect,
ARTHUR JOHN BRADFORD GREEN, of Pewley Ridge, Pewley Hill,
Retired Headmaster,

ARTHUR WILLIAMS, of Monkton, South Hill, Wholesale News-agent, and

WILLIAM GEORGE LAMPORT SHEPPARD, of Bethewynd, 43 Ridgmount, Builder, all in Guildford.

(2) The remaining first Co-optative Governor shall be appointed as soon as possible after the date of this Scheme.

11. *Appointments of Co-optative Governors.*—The said remaining first Co-optative Governor and every future Co-optative Governor shall be appointed for a term of five years. Each of them shall be provisionally appointed by a resolution of the Governors to be passed at a special meeting and to be notified forthwith by the Governors to the Archbishop of Canterbury for his approval. A provisional appointment shall become valid only if and when the said Archbishop shall have certified his approval of it in writing and shall date from that approval.

12. *Declaration by Governors.*—No person shall be entitled to act as a Governor whether on a first or on any subsequent entry into office until after signing in the minute book of the Governors a declaration of acceptance and of willingness to act in the trusts of this Scheme.

13. *Determination of governorship.*—Any Representative or Co-optative Governor who ceases to be qualified as aforesaid or who is absent from all meetings of the Governors during a period of two consecutive years and any Governor 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.

14. *Vacancies.*—Upon the occurrence of a vacancy the Governors shall cause a note thereof to be entered in their minute book at their next meeting and in the case of a vacancy in the office of Representative Governor shall cause notice thereof to be given as soon as possible to the said council. Any competent Governor may be re-appointed. No vacancy in the office of Co-optative Governor shall be filled until after the lapse of one calendar month from its occurrence.

MEETINGS AND PROCEEDINGS OF GOVERNORS

15. *Ordinary meetings.*—The Governors shall hold at least two ordinary meetings in each year.

16. *Chairman.*—The Governors from time to time shall elect one of their number to be chairman of their meetings and to hold office for such period not exceeding three years as they shall think fit. The Governors if they think fit may also elect one of their number to be Vice-Chairman of their meetings. The Chairman and Vice-Chairman shall always be eligible for re-election. If at any meeting neither the Chairman nor the Vice-Chairman is present within ten minutes after the time appointed for holding the same or there is no Chairman or Vice-Chairman the Governors 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 Governors upon four days' notice being given to all the other Governors of the matters to be discussed.

18. *Quorum.*—There shall be a quorum when five Governors are present at a meeting.

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

20. *Committees.*—The Governors at any time may appoint three or more members of their body to be a committee for making any inquiry or for superintending or transacting any business but every act and proceeding of a committee shall be reported to the Governors at their next meeting.

21. *Minutes and accounts.*—A minute book and books of account shall be provided and kept by the Governors. All proper accounts in relation to the Charity shall be made out in each year and certified in such manner as the Charity Commissioners require and copies thereof shall be transmitted to the said Commissioners in compliance with the provisions of the Charitable Trusts Acts.

22. *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 meetings, the deposit of money at a proper bank and the custody of documents.

23. *Clerk.*—The Governors may appoint some fit person to be their Clerk and to hold office during their pleasure and may pay to him (not being a Governor) such reasonable salary as they think fit.

MANAGEMENT OF LANDS

24. *Management and letting of lands.*—All the lands belonging to the Charity not required to be retained or occupied for the purposes thereof shall be let and otherwise managed by the Governors. In every case public notice of the intention to let any land shall be given by the Governors in such manner as they consider most effectual for ensuring full publicity. The Governors shall not create any tenancy in reversion after more than 3 years of any existing term or for more than 21 years certain or for less than the improved annual value at rackrent without the sanction of the Charity Commissioners or a competent Court.

25. *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.

26. *Repair and insurance.*—The Governors shall keep in repair and insure against fire all the buildings of the Charity not required to be kept in repair and insured by the lessees or tenants thereof.

APPLICATION OF INCOME

27. *Expenses of management.*—The Governors shall first defray out of the income of the Charity the cost of ordinary 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.

28. *Extraordinary Repair Fund.*—(1) Subject to any Order or Orders of the Charity Commissioners a fund for the extraordinary

repair, improvement or rebuilding of the buildings belonging to the Charity shall be provided and maintained as follows:—

- (a) The Official Trustees of Charitable Funds shall hold to the credit of an account to be entitled Extraordinary Repair Fund (hereinafter referred to as the Fund) the sum of Stock standing at the date of this Scheme to the credit of the existing account so entitled of which short particulars are specified in the schedule hereto ;
- (b) The Governors shall pay to the said Official Trustees to the credit of the Fund a yearly sum of not less than £200 out of income of the Charity ;
- (c) The said Official Trustees shall invest at compound interest the income of the said sum of stock and of all other the investments for the time being standing to the credit of the Fund and the yearly sum paid as aforesaid in the purchase in their name to the credit of the Fund of one or more of the stocks, funds or securities (other than real securities) authorised by law for the investment of trust funds.

(2) All investments standing to the credit of the Fund may be applied from time to time for the extraordinary repair, improvement or rebuilding of the buildings belonging to the Charity.

29. *Benefit of Almspeople.*—Subject to the payments aforesaid the Governors shall apply the income of the Charity for the benefit of the Almspeople of the Charity at such times and in such ways as the Governors in their discretion from time to time think best.

HOSPITAL AND ALMSPEOPLE

30. *Hospital.*—The hospital buildings belonging to the Charity and the property heretofore occupied therewith (hereinafter together referred to as the Hospital) shall be appropriated and used for the residence of Almspeople in conformity with the provisions of this Scheme.

31. *Saving for existing inmates.*—Appointments of Almspeople under this Scheme shall be made without prejudice to the interests of the existing inmates of the Hospital.

32. *Number and qualifications of Almspeople.*—The full number of Almspeople shall be twenty-two or such number as the Charity Commissioners by Order prescribe from time to time. They shall be poor single persons of good character who were born in the area of benefit or who have resided in the area of benefit at any time for not less than twenty years or who (except in special cases to be approved by the Charity Commissioners) have resided in the area of benefit for not less than two years next preceding the time of appointment.

33. *Attendance in illness.*—The Governors may provide the Almspeople at the cost of the Charity with any necessary attendance in case of illness or permanent infirmity.

34. *Notices.*—Before the first appointment of an Almsperson is made under this Scheme a notice specifying the qualifications required from candidates and the proper mode of applying for appointment shall be published by advertisement or otherwise in such manner as the Governors consider best calculated to bring the notice to the knowledge of persons qualified for appointment. Similar notices shall be published at intervals of not more than three years.

35. *Applications for appointment.*—All applications for appointment shall be made in writing, in such manner as the Governors may direct, to the Governors or their Clerk. Before appointing any applicant to be an Almsperson the Governors shall require him or her to attend in person unless he or she is physically disabled or the Governors are 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.

36. *Selection of Almspeople.*—Every Almsperson shall be selected under the following conditions:—

- (1) After full investigation of the character and circumstances of the applicants.
- (2) Where claims are equal, preference shall be given to those applicants who have resided longest in the area of benefit.

For the purposes of this clause the Governors may avail themselves of the services of any charity organisation society or other like agency.

37. *Appointments of Almspeople.*—Every appointment of an Almsperson shall be made by the Governors at a special meeting.

38. *Records.*—The Governors shall provide and keep a book in which shall be entered the name, age and description of every person appointed to be an Almsperson, the date of every appointment and the date and occasion of every vacancy. They shall also keep a register of all applications for appointment.

39. *Master.*—The Governors from time to time may appoint some fit person approved by the Archbishop of Canterbury to be the Master of the Charity and to perform such reasonable duties as the Governors shall prescribe at such salary as shall be approved from time to time by the said Archbishop and by the Charity Commissioners.

Where the qualifications of candidates for appointment as Master are equal the Governors shall give preference to the candidate (if any) who resides in the area of benefit or if more than one to the candidate who has resided longest in the area of benefit.

The Governors may allot to the Master such part as they think fit of the land and buildings of the Charity for his occupation and use while he holds office as Master and they may allow to him out of the income of the Charity the cost of adequate fuel for his use.

Every Master shall be removable by the Governors with the sanction of the said Archbishop first given in writing.

This clause shall have effect without prejudice to the interests of the existing Master of the Charity.

40. *Matron, porter and other officers.*—The Governors may appoint from time to time at such reasonable salaries as they think fit a Matron and a Porter and such other officers as the Governors consider expedient for the superintendence and care of the Almspeople and the maintenance and protection of the Hospital. Every officer appointed under this clause shall be removable at the pleasure of the Governors.

The Governors may allot to the Matron and to the Porter such accommodation in the Hospital as the Governors think fit.

41. *Removal of Almspeople.*—(1) The following persons may be removed from being Almspeople:—

- (a) Any Almsperson who in the opinion of the Governors is guilty of insobriety, insubordination, breach of regulations or immoral or improper conduct ;
- (b) Any Almsperson who in the opinion of the Governors no longer has the required qualifications ;
- (c) Any Almsperson who has been appointed without having the required qualifications ;
- (d) Any Almsperson who is suffering from mental or other disease or infirmity rendering him or her unfit to remain an Almsperson.

(2) Upon the removal of any Almsperson, Master, Matron or Porter the Governors shall take possession of the room or rooms occupied by him or her.

(3) Any Almsperson removed under section (1) of this clause on account of mental or other disease or infirmity may, on recovery, be re-appointed and need not have the qualification as to residence.

42. *Absence from hospital.*—No Almsperson shall be absent from the Hospital for a period exceeding 72 hours without the consent of the Master or the Clerk of the Governors.

43. *Rooms not to be let.*—No Almsperson 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 Governors, to suffer any person to share the occupation of the same or of any part thereof.

44. *Regulations.*—The Governors may prescribe from time to time such reasonable regulations as they consider expedient for the government of the Almspeople, but so that the same shall not be at variance or inconsistent with any of the provisions of this Scheme, and by such regulations may provide that the Almspeople shall render such assistance to each other and to the Matron as is within their power.

45. *Investment of cash.*—All sums of cash now or at any time belonging to the Charity and not needed for immediate working purposes shall be invested (unless otherwise ordered) as soon as possible under the authority of an Order of the Charity Commissioners in the name of the Official Trustees of Charitable Funds.

46. *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 any remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

48. *Alteration of Scheme.*—The Charity Commissioners in the exercise of their ordinary jurisdiction may establish Schemes from time to time for the alteration of any of the provisions of this Scheme as if those provisions had been made by the founder in the case of a Charity having a founder.

49. *Questions under Scheme.*—Any question as to the construction of this Scheme or as to the regularity or the validity of any acts done or about to be done under this Scheme shall be determined conclusively by the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

50. *Date of Scheme.*—The date of this Scheme shall be the date of the Act of Parliament confirming the same.

The following property situate in the Borough of Guildford:—

- (1) Land bounded on the south by High Street and on the north by North Street with the buildings thereon known as The Hospital of the Blessed Trinity (otherwise Archbishop Abbot's Hospital).
- (2) Land situate adjoining the north-west corner of the land numbered 1 above with the buildings thereon known or formerly known as Archbishop Abbot's School demised to Clark's College Limited for the term of 21 years from the 25th December 1933 at the yearly rent of £175.
- (3) Land formerly the playground of Archbishop Abbot's School aforesaid bounded on the east by the land numbered 1 above and on the north by the land numbered 2 above demised to Clark's College Limited for the term of 21 years from the 25th December 1933 at the yearly rent of £4.
- (4) Land bounded on the south by High Street and on the east by the land numbered 1 above, with the building thereon known as 22 High Street let to A. Grove Limited upon a yearly tenancy at the yearly rent of £300.

A perpetual yearly rentcharge of £12 10s. issuing out of property known as West Wantley Farm situate in the Parish of Storrington in the County of Sussex now in the occupation or ownership of Mrs. Brenda Gladys Pickard.

A yearly acknowledgment rent of 1s. payable by the Mayor, Aldermen and Burgesses of the Borough of Guildford in respect of a light bracket.

A yearly acknowledgment rent of 1s. payable by Cow and Gate Limited in respect of a window overlooking land belonging to the Charity.

The following investments standing in the name of the Official Trustees of Charitable Funds on the 24th November 1952:—

Investments representing capital endowment

£22,122 4s. 1d. 4 per cent. Consolidated Stock.
£2,066 3s. 11d. 3½ per cent. War Stock.
£19,440 18s. 9d. 3½ per cent. Conversion Stock.
£9,440 9s. 2d. 3 per cent. Savings Bonds, 1965–75.
£28,872 8s. 6d. 2½ per cent. Consolidated Stock.
£98 12s. 10d. 2½ per cent. Consolidated Stock (Bequest of William Birch).
£5 17s. 3d. 2½ per cent. Treasury Stock, 1975 or after.

Investments representing accumulations of income

£394 11s. 6d. 2½ per cent. Consolidated Stock.
£475 0s. 1d. 3½ per cent. Conversion Stock.
£1,250 3 per cent. Savings Bonds, 1955–65.
£500 3 per cent. Savings Bonds, 1960–70.
£1,959 9s. 6d. 3 per cent. Savings Bonds, 1965–75.
£500 2½ per cent. Savings Bonds, 1964–67.
£556 19s. 3d. 2½ per cent. Treasury Stock, 1975 or after.
£1,000 2½ per cent. Defence Bonds (Conversion Issue).

Stock standing to the credit of the account entitled Extraordinary Repair Fund established pursuant to an Order of the Charity Commissioners of the 18th July, 1939

£6,419 14s. 7d. 2½ per cent. Treasury Stock, 1975 or after.

Sealed by Order of the Board this 28th day of November 1952.

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