

## APPENDIX

### SCHEME FOR THE ADMINISTRATION OF THE CHARITY CALLED THE PEABODY DONATION FUND COMMONLY KNOWN AS THE PEABODY TRUST SITUATE IN GREATER LONDON

#### GENERAL PROVISIONS

##### **Powers of delegation**

26. Where the Governors are of the opinion that any of their functions duties and or responsibilities could be more efficiently carried out by delegating it to a Governor, a committee of Governors, or a sub-committee, the Chief Executive, the Trust Secretary, the Finance Director or any other officer of the Charity, the Governors may delegate that function duty and/or responsibility but only in strict accordance with the terms of delegation set out in Schedule 3 to this Scheme PROVIDED ALWAYS that nothing in this clause shall be taken to permit the delegation of all the functions duties and/or responsibilities of the Governors.

##### **Gifts**

27. The Governors may accept gifts for the general purposes of the Charity or for any special objects connected with the Charity and not inconsistent with this Scheme.

##### **Notices**

28. The following conditions shall apply in respect of notices:—

- (a) All notices required to be given under the Scheme shall be in writing and signed by the Trust Secretary or the Governor giving the same as case may be.
- (b) Notices to be given to the Charity shall be delivered or sent by post or by facsimile transmission to the principal office of the Charity from time to time. Notice to any Governor may either be delivered to him personally or sent through the post or by facsimile transmission to his last known address.
- (c) Where under the Scheme any length of notice is specified the time shall be reckoned exclusive of the date on which the notice is given and of the date on which the meeting is to be held to which the notice relates.
- (d) Any notice given by post or by facsimile transmission shall be deemed to have been given when it is posted or transmitted.

##### **The Seal**

- (a) (a) The Common Seal of the Charity shall be such as the Governors may from time to time determine and shall be kept in the custody of the Trust Secretary.
- (b) The Common Seal of the Charity shall not be affixed to any instrument except under general or specific authority granted from time to time by resolution of the Governors.
- (c) The Charity may have a securities seal and the Governors may make regulations from time to time for the use thereof.

##### **Defects**

30. All votes, acts and things given, done or executed or suffered to be so on account of the Charity by the Governors shall, notwithstanding that it may afterwards be discovered that there was

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some defect in the appointment of any Governor or that any Governor was disqualified be as valid as if every such Governor had been duly appointed and was qualified.

### **Receipt**

**31.** A receipt signed by any Governor, by the Trust Secretary, or by any other officer duly authorised by the Charity shall be sufficient discharge to every person paying to such Governor, Trust Secretary, or other officer any legacy, purchase money, rent or any other form of money or dividends, interest or annual income of any stocks, security or sum of money belonging to the Charity for so much money as shall in such receipt be expressed to be received and such receipt shall validly exonerate the person paying the same from the same and the application thereof.

### **Governors Indemnity**

**32.** Without prejudice to any statutory or other right of indemnity which they may have, the Governors shall jointly and severally be indemnified out of the funds belonging to the Charity at all times in respect of each and every claim made against them, or any of them, whether in their capacity as Governor or personally, in respect of any liability arising or alleged to arise from any matter, act or default arising from, or in respect of, the Charity and its affairs, administration or activities, or any aspect of any of the same PROVIDED ALWAYS that the right of the Governors to an indemnity under this clause shall not extend to any claim arising from wilful or reckless fraud or wrong doing or wrongful omission on his or her part.

### **Indemnity Insurance**

**33.** The Governors of the Charity may provide indemnity insurance for themselves out of the funds of the Charity, provided that any such insurance shall not extend to any claim arising from any act or omission which the Governors of the Charity knew to be a breach of trust or breach of duty, or which was committed by the Governors of the Charity in reckless disregard of whether it was a breach of trust or breach of duty or not.

### **Governors not to be personally interested**

- (a) (a) Except as provided in sub-clause (b) below, 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.
- (b) Where any Governor through a relationship or connection with any person or organisation can be said to have an interest in the supply of work or goods to the Charity, the Governor shall fully and promptly declare such interest to the Governors, and shall not speak or vote on any discussion relating to the supply of such work or goods, but shall temporarily absent himself/herself from any meeting of the Governors at which such an item is discussed.

### **Charity not to relieve public funds**

**35.** The Governors shall not apply income of the Charity directly in relief of rates, taxes or other public funds but may apply income in supplementing relief or assistance provided out of public funds.

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### **Questions under Scheme**

**36.** 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 may be determined by the Commissioners upon such application made to them for the purpose as they think sufficient.