

Sealed 24th January 1974

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74.

County - Oxford.
Place - Marston.
Charities - Parochial and other
Charities.

L1(R).
202,785 A/l.

Stamp £1

Scheme including appointment
of Trustees.

C H A R I T Y C O M M I S S I O N .

In the matter of the following Charities, at
Marston, in the County of Oxford:-

1. The Charity known as Brett's Charity;
2. The Charity known as the Cow Commons;
3. The Charity known as the Forest
Money;

being the Charities called the Parochial
Charities, regulated by a Scheme of the
Charity Commissioners of the 14th October 1932;

4. The Charity of Ann Sims Rippington for
Church Expenses;
5. The Charity of Ann Sims Rippington for
Coal for the Poor;

which Charities were founded by will proved
at Oxford on the 8th August 1936;

6. The Charity of Rosa Marion Sims for
Church Expenses;
7. The Charity of Rosa Marion Sims for
the Poor;

being the Charities called the Mather Sims
Charities;

8. The Charity of Rosa Marion Sims for
Repair of Church Bells;

all of which Charities were founded by will
proved with two codicils thereto in the
Principal Registry on the 13th January
1931; and

In the matter of the Charities Act, 1960.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES
HEREBY ORDER that the following Scheme be approved and
established as the Scheme for the regulation of the
above-mentioned Charities:-

S C H E M E.

1. Administration of Charities. - The above-mentioned Charities and the property thereof specified in the schedule hereto and all other the property (if any) of the Charities shall be administered and managed subject to and in conformity with the provisions of this Scheme.

2. 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 Official Custodian for Charities unless the Charity Commissioners otherwise direct.

3. Titles of Charities. - (1) The Charities numbered 4, 6 and 8 above shall be administered and managed together as one Charity under the title of the Marston Ecclesiastical Charity.

(2) The Charities numbered 1, 2, 3, 5 and 7 above shall be administered and managed together as one Charity under the title of the Marston Charities Trust.

MARSTON ECCLESIASTICAL CHARITY.

4. Trustees. - The Vicar and Churchwardens for the time being of the Ecclesiastical Parish of St. Nicholas, Marston, shall be the Trustees of the Marston Ecclesiastical Charity.

5. Expenses of management. - The Trustees shall first defray out of the yearly income of the Marston Ecclesiastical Charity all the proper costs, charges and expenses of and incidental to the administration and management of that Charity.

6. Yearly payment. - The Trustees shall pay out of the yearly income of the Marston Ecclesiastical Charity a sum of not less than £0.25 or such other amount approved from time to time by the Commissioners to the bellringers of the Parish Church of the said ecclesiastical parish, so long as they shall ring the midnight peal at Christmas.

7. Application of income. - Subject to the payments aforesaid the Trustees shall apply the income of the Marston Ecclesiastical Charity for such religious and other charitable purposes of the Church of England in the said ecclesiastical parish, as they shall determine from time to time and particularly in or towards the repair and maintenance of the Parish Church of the said ecclesiastical parish and the upkeep of the services thereof.

MARSTON CHARITIES TRUST.

8. Trustees. - The body of Trustees of the Marston Charities Trust shall consist when complete of seven competent persons being

One Ex-officio Trustee,
Four Nominative Trustees and
Two Co-optative Trustees.

9. Ex-officio Trustee. - The Ex-officio Trustee shall be

The Vicar for the time being of the
Ecclesiastical Parish of
St. Nicholas, Marston.

10. Nominative Trustees. - The Nominative Trustees shall be persons who through residence, occupation or employment, or otherwise have special knowledge of the area of the Ancient Parish of Marston and shall be appointed as follows:

Two by the Parish Council of Marston, and
Two by the Council of the City of Oxford.

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 proper appointing body. 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 proper appointing body.

11. 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 for the following periods respectively:

As appointees of the Parish Council of Marston -

Alec Gammon, of 50 Oxford Road, Marston,
Senior Planner,
for four years from the date of this Scheme;
Betty Dean, of 71 Oxford Road, Marston,
Married Woman,
for three years from the said date;

As appointees of the Council of the City of Oxford -

Bertie George Standingford, of 15 Meaden Hill,
Northway Estate, in the City of Oxford,
Stores Clerk,
for four years from the date of this Scheme;
Frederick Thompson, of 3 Temple Street in the
City of Oxford, Retired Car Assembler,
for two years from the said date.

12. Co-optative Trustees. - The Co-optative Trustees shall be persons who through residence, occupation or employment, or otherwise have special knowledge of the area of the Ancient Parish of Marston.

13. First Co-optative Trustees. - The first Co-optative Trustees shall be appointed for a term of five years by a resolution of the Trustees passed at a special meeting to be held as soon as possible after the date of this Scheme.

14. 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.

15. 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 in the minute book of the Trustees a declaration of acceptance and of willingness to act in the trusts of this Scheme.

16. Determination of trusteeship. - Any Nominative or Co-optative Trustee who is absent from all meetings of the Trustees during a period of one year 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.

17. 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.

18. Ordinary meetings. - The Trustees shall hold at least two ordinary meetings in each year.

19. First meeting. - The first meeting of the Trustees shall be summoned by the said vicar or if he fails for three calendar months after the date of this Scheme to summon a meeting by any two of the Trustees.

20. 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.

21. Special meetings. - A special meeting may be summoned at any time by the chairman or any two Trustees upon four days' notice being given to all 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.

22. Quorum. - There shall be a quorum when three Trustees are present at a meeting.

23. 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.

24. 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.

25. Management and letting of lands. - The Trustees shall let and otherwise manage all the lands belonging to the Marston Charities Trust. Except with the approval of the Commissioners the Trustees shall give public notice of the intention to let any land in such manner as they consider most effectual for ensuring full publicity. The Trustees shall not without the sanction of the 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.

26. Leases. - The Trustees 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, the proper cultivation of the land 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.

27. Expenses of management. - The Trustees shall first defray out of the income of the Marston Charities Trust the cost of repairs and insurance and all other charges and outgoings payable in respect of the property of that Charity and all the proper costs, charges and expenses of and incidental to the administration and management of the said Charity.

28. Relief in need. - (1) The object of the Marston Charities Trust shall be to relieve either generally or individually persons resident in the area of the Ancient Parish of Marston who are in conditions of need, hardship or distress.

(2) Subject to payment of the expenses aforesaid the Trustees shall apply the income of the Marston Charities Trust for that object 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.

(3) 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.

(4) In exceptional cases the Trustees may grant relief to persons otherwise eligible therefor who are resident immediately outside the area of the Ancient Parish of Marston but in the opinion of the Trustees ought nevertheless for sufficient reason to be treated as if resident therein or who are located for the time being therein.

29. Restrictions. - In applying the income of the Marston Charities Trust 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.

30. Appropriations and emergencies. - (1) Subject as hereinafter mentioned the appropriation of the benefits of the Marston Charities Trust shall be made by the Trustees at meetings of their body and not separately by any individual Trustee or Trustees.

(2) The Trustees from time to time may appoint two or more members of their body to be a committee (to be known as an Emergency Relief Committee) for granting relief out of the income of the Marston Charities Trust in cases of emergency up to a total amount to be made available for such cases at an ordinary meeting of the Trustees for the period until the next ordinary meeting.

(3) All action taken by an Emergency Relief Committee shall be reported forthwith to the clerk of the Marston Charities Trust and in due course to the Trustees.

GENERAL PROVISIONS.

31. 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 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.

32. 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, drawing on the bank account and the custody of documents.

33. 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.

34. 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 by the Commissioners upon such application made to them for the purpose as they think sufficient.

S C H E D U L E.

Charity numbered 1 above.

A perpetual yearly rentcharge of £0.50 charged upon or issuing out of property known as 38 Oxford Road situate in the Parish of Marston and payable by the Trustees of Brett's Charity in the Parish of Elsfield in the County of Oxford.

Charity numbered 2 above.

Land containing 19 acres 4 poles or thereabouts known as the Cow Commons situate in the Parish of Marston and now let to John Patrick Moore at the yearly rent of £150.

Charity numbered 3 above.

176 Income Shares standing in the name of the Official Custodian for Charities in the Charities Official Investment Fund.

Charity numbered 4 above.

358 Income Shares standing in the said name in the said Fund.

£354.13 3½% Conversion Stock, 1961 or after, standing in the said name.

£418.15 2½% Treasury Stock, 1975 or after, standing in the said name.

Charity numbered 5 above.

358 Income Shares standing in the said name in the said Fund.

£354.13 3½% Conversion Stock, 1961 or after, standing in the said name.

£418.15 2½% Treasury Stock, 1975 or after, standing in the said name.

Charity numbered 6 above.

£100 2½% Consolidated Stock standing in the said name.

Charity numbered 7 above.

£100 2½% Consolidated Stock standing in the said name.

Charity numbered 8 above.

£50 2½% Consolidated Stock standing in the said name.

Note. - The above-mentioned perpetual yearly rentcharge belonging to the Charity numbered 1 above and the above-mentioned land belonging to the Charity numbered 2 above are vested in the said Official Custodian by virtue of the above-mentioned Scheme of the Commissioners of the 14th October 1932 as affected by the provisions of the Charities Act, 1960.

Sealed by Order of the Commissioners this 24th day
of January 1974.

L.S.

1. Grants of money to or for the benefit of such persons in the form of -

- (a) weekly allowances for a limited period to meet a particular need, or
- (b) special payments to relieve sudden distress, sickness, or infirmity, or
- (c) payment of travelling expenses for such persons entering or leaving hospitals, convalescent homes or similar institutions, or for relatives visiting such persons in such institutions particularly where more frequent visits are desirable than payments from public funds will allow, or
- (d) subscriptions to secure the admission of such persons (or to benefit such persons when admitted) to almshouses, or to homes or hostels for the residence or care of old, infirm or homeless persons.

2. The provision of items for such persons which may well be -

- (a) gifts of furniture, bedding, clothing, food, fuel, heating appliances, or
- (b) loans of expensive apparatus (which may be more appropriate than outright gifts) such as radio or television sets for widows with large families.

3. The provision of facilities for such persons such as -

- (a) the supply of tools or books or payment of fees for instruction or examination or travelling expenses so as to help them to earn their living, or
- (b) arrangements for a recuperative holiday or change of air for those long deprived of this.

NOTE

This note has no legal force as part of the scheme but shows the kind of relief that the charity can properly give.

Relief in Need

Charities for relief in need operate in the same field as statutory services; trustees who administer such charities should be careful to avoid repeating or abating those services. Charity trustees should accordingly acquaint themselves with the system of social benefits, the effect upon them of grants from charitable sources and the gaps left by them which can be filled by charitable services or facilities to relieve those in need.

By consulting local officers of the Department of Health and Social Security and those in the Social Services Department of the local authority concerned with persons in need, the trustees may learn what assistance and services these authorities can give in particular circumstances whether by way of special grants or otherwise and may also be able to find out about people living within the charity's area of benefit who have needs which the statutory services are unable to relieve completely. In this way the trustees may ensure that a regular allowance from the charity or the provision of some item or facility will not affect supplementary benefits available from the Department of Health and Social Security in a given case.

Charity trustees should not regard themselves as being confined to giving relief in those cases of need which are also eligible for supplementary benefits or as being limited to providing those items which have been allowed for in calculating the amount of supplementary payments.

The provisions of the scheme give the trustees a wide choice in the sort of relief that they can give out of the income of the charity so long as the need is clear. Whatever relief they give must be given only to assist the kind of persons mentioned, must be related to the needs of each case, and must be reasonable in the circumstances, taking into account what relief is available from other sources. Some examples follow and others may occur to trustees:

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Further examples follow of the sort of help that can be given in particular when such persons are also old, sick, convalescent, disabled, handicapped or infirm, whether mentally or physically:

4. The provision of items either outright or, if expensive and appropriate, on loan, such as
 - (a) special food, medical or other aids, nursing requisites or comforts;
 - (b) television or radio sets for the lonely, bedridden or housebound;
 - (c) television licences;
 - (d) washing machines suitable for soiled clothing and bed linen.
5. The provision of services such as bathing, escort services, exchange of library books, foot care, gardening, hair washing, shaving, help in the home, house decorating and repairs, laundering, meals on wheels, nursing aid, outings and entertainments, physiotherapy in the home, reading, shopping, sitting-in, tape-recording for the housebound, travelling companions.
6. The provision of facilities such as transportation, or arrangements for a period of rest, recuperating or change of air in or through any convalescent home or other institution or organisation or for temporary relief for those having the care of the person concerned or arrangements for close relatives to visit or care for patients.

The trustees may either pay directly for such items, services or facilities, or advance money to beneficiaries so that they can do so.
