Draft Order laid before Parliament under section 17(2) of the Charities Act 1993, on 26th January 2006; draft to lie for forty days, pursuant to section 6(1) of the Statutory Instruments Act 1946, during which period either House of Parliament may resolve that the Order be not made.

DRAFT STATUTORY INSTRUMENTS

2006 No.

CHARITIES

The Charities (Cheadle Royal Hospital, Manchester) Order 2006

Made - - - -

Coming into force - -

The Charity Commissioners for England and Wales have, in pursuance of section 17(1) 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:

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

A draft of this Order has been laid before Parliament, 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 should not be made:

Accordingly, 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 (Cheadle Royal Hospital, Manchester) Order 2006 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.

Home Office
2006

Parliamentary Under Secretary of State

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

APPENDIX

SCHEME FOR THE ADMINISTRATION OF THE CHARITY KNOWN AS THE CHEADLE ROYAL HOSPITAL SITUATE AT CHEADLE

Whereas the Charity known as the Cheadle Royal Hospital ("the Charity") situated at Cheadle in the Metropolitan Borough of Stockport is comprised in —

(a) The Act 48 Geo III cap.127;

(b) The Act 5 Victoria session 2.cap.i ("the 1842 Act");

(c) The Act 7 & 8 Victoria cap.xliii;

(d) The Manchester Royal Infirmary Act 1933; and

(e) The Manchester Royal Infirmary (Cheadle Royal Hospital) Order 1949;

And whereas the Trustees of the Charity have sold the assets necessary to operate the Cheadle Royal Hospital and it is necessary to provide for the future application of the proceeds of sale and for the Charity's remaining assets:

And whereas the Trustees of the Charity have made application to the Charity Commissioners for England and Wales ("the Commissioners") for a Scheme for the administration of the Charity ("the Scheme"):

And whereas it appears to the 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 ("the 1993 Act"):

And whereas in pursuance of section 20 of the 1993 Act public notice of the Commissioners' proposals for the Scheme has been given and no representations have been received in respect thereof;

Now, therefore, the Commissioners in pursuance of section 17(1) of the 1993 Act, hereby settle the following Scheme.

SCHEME

Administration of Charity

1.—(1) With effect from the date that the Scheme is given effect by an Order of the Secretary of State under section 17(2) of the Charities Act 1993, the provisions of the above-mentioned Acts and the above-mentioned Order shall cease to have effect with the exception of section II of the 1842 Act.

(2) With effect from the same date the Charity and the property thereof shall be administered and managed in accordance with the provisions of section II of the 1842 Act and the Scheme by the body of Trustees hereinafter constituted.

(3) The name of the Charity shall be the CRH Charitable Trust.

Investment of cash

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

OBJECTS

Objects

3. The objects of the Charity are—

(a) to relieve persons who are sick, convalescent, disabled, handicapped or infirm and in particular, but not exclusively, such persons who are suffering mental illness in any of its forms; and

(b) to promote or assist in the promotion of research into the alleviation or cure of mental illness in any of its forms.

VARIATION OF SECTION II OF 1842 ACT

Variation

4. Section II of the 1842 Act shall henceforth take effect as if—

(1) for the words from "President, Treasurers", to the second instance there appearing of "Lunatic Hospital or Asylum", there were substituted the words "Chairman, Secretary and Trustees for the time being of the Charity shall be incorporated by the name of "The Chairman, Secretary and Trustees of the Charity called the CRH Charitable Trust"".

(2) for the words "Manchester Infirmary, Dispensary, and Lunatic Hospital or Asylum, or either of them", there were substituted the word "Charity".

TRUSTEES

Trustees

5.—(1) The body of Trustees when complete shall consist of six persons being:

(a) one Nominated Trustee, and

(b) five Co-opted Trustees.

(2) The first Nominated and Co-opted Trustees are the persons listed in the Schedule to the Scheme and subject to Clause 11 (Termination of Trusteeship) they will hold office for the periods shown in the Schedule.

NOMINATED TRUSTEE

Nominated Trustee

6.—(1) Except as regards the before mentioned first Nominated Trustee, the Nominated Trustee shall be appointed by the President for the time being of the Royal College of Psychiatrists.

(2) Subject as before mentioned with regard to the first Nominated Trustee, each appointment must be made in accordance with the ordinary practice of the said President.

(3) Each appointment must be made for four years except that if the appointment is being made to fill a casual vacancy, the appointment shall be for the unexpired term of the appointee's predecessor.

(4) The appointment will be effective from the later of —

(a) the date of the vacancy; and

(b) the date on which the Trustees or their secretary are informed of the appointment.

Co-opted Trustees

7.—(1) Except as regards the before mentioned first Co-opted Trustees, each appointment of a Co-opted Trustee must be made by the Trustees at a special meeting called under Clause 15.

(2) An appointment may, but need not, be made before the date on which the term of office of an existing Co-opted Trustee comes to an end, to take effect on that date. In these circumstances—

(a) the appointment may not be made more than three months before the date on which the existing Co-opted Trustee's term of office is due to end; and

(b) any Co-opted Trustee whose term of office is about to come to an end must not vote in favour of their own reappointment.

(3) Except as regards the before mentioned first Co-opted Trustees, each appointment must be for a term of five years except that if the appointment is being made to fill a casual vacancy, the appointment shall be for the unexpired term of the appointee's predecessor.

New Trustees

8. The Trustees must give each new Trustee, on his or her first appointment—

(a) a copy of the Scheme and any amendments made to it; and

(b) a copy of the Charity's latest report and statement of accounts.

Register of Trustees

9.—(1) The Trustees must keep a register of the name and address of every Trustee and the dates on which their terms of office begin and end.

(2) Every Trustee must, on his or her first appointment or on any later reappointment, sign the register before acting as a Trustee.

(3) The Trustees must promptly report any vacancy in the office of Nominated Trustee to the President for the time being of the Royal College of Psychiatrists.

Trustees not to have a personal interest

10. Except with the prior written approval of the Commissioners no Trustees may—

(a) receive any benefit in money or in kind from the Charity;

(b) have a financial interest in the supply of goods or services to the Charity; or

(c) acquire or hold any interest in property of the Charity (except in order to hold it as a Trustee of the Charity).

Termination of trusteeship

11. A Trustee will cease to be a Trustee if he or she—

(a) is disqualified from acting as a Trustee by section 72 of the Charities Act 1993;

(b) is absent without the permission of the Trustees from all their meetings held within a period of one year and the Trustees resolve that his or her office be vacated; or

(c) gives not less than one month's notice in writing of his or her intention to resign (but only if at least three Trustees remain in office when the notice of resignation takes effect).